



# Local Government, Planning and Land Act 1980

## 1980 CHAPTER 65

An Act to relax controls over local and certain other authorities; to amend the law relating to the publication of information, the undertaking of works and the payment of allowances by local authorities and other bodies; to make further provision with respect to rates and to grants for local authorities and other persons and for controlling the expenditure of local authorities; to amend the law relating to planning; to make provision for a register of public land and the disposal of land on it; to repeal the Community Land Act 1975; to continue the Land Authority for Wales; to make further provision in relation to land compensation, development land, derelict land and public bodies' acquisitions and disposals of land; to amend the law relating to town development and new towns; to provide for the establishment of corporations to regenerate urban areas; to make further provision in relation to gipsies and their caravan sites; to abolish the Clean Air Councils and certain restrictions on the Greater London Council; to empower certain further authorities to confer honorary distinctions; and for connected purposes.

[13th November 1980]

### Editorial Information

**X1** The text of ss. 1–24, 25, 26(1)(2), 27(2), 48–68, 70–85, 93–100, 173–178, 180–183, 184(1), 185–197, Schs. 1–13, 16, 33, 34 was taken from SIF group 81:1 (Local Government); the text of ss. 1(1)–(4)(6)–(8), 2(1)(2)(4)–(10), 3, 4(1)–(4)(6)(7), 5–15, 16(1)–(5), 17–23, 25, 26(3)(4), 27, 176, 177, 178(3)(4), 184(2), 188, 189, 191–194, 195(1), 196, 197, Schs. 1–4, 6, 7, 33, 34 was taken from SIF group 81:2 (Local Government); the text of ss. 28–47, 69, 192–194, 195(1), 196, 197, Schs. 33, 34 Pt. IX was taken from SIF group 103:1, 2 (Rating: England and Wales), (Rating: Scotland); the text of ss. 86–91, 101–112, 113(1)–(10)(12)(13), 114–125, 134–141, 142(1)–(6), 143–148, 149(1)–(5)(11)–(13), 150–155, 156(1)–(3), 157–166, 167(1)–(12)(14)(15), 168–172, 179, 192, 195(1), 196, 197, Schs. 14, 15, 17–23, Sch. 24 Pt. I, Sch. 26, Sch. 27 paras. 1–14, Sch. 28 paras. 1–3, 4(1), 5, 6, 7, 9(1)(2)(3), 10–23, Schs. 29, 31, Sch. 32 paras. 1(1)(3)–(7), 2–4, 5(1)–(7)(9), 6, 7(1)(2), 8–18, 20–23, 25–32 was taken from SIF group 123:1 (Town and Country Planning: Planning, England and Wales); the text of ss. 87, 92, 101, 112, 113(1)–(9)(11)–(13), 114–116, 118, 120–122, 125, 134(1)(3)(4), 135–141, 142(1)–(4)(6)(7), 143–148, 149(6)–(13), 151(1)–(3)(5)–(9), 152–155, 156(4), 159–166, 167(1)–(14), 168, 170–

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172, 179, 192, 195(1), 196–197, Sch. 17 paras. 1–3, 5–8, 10, 11(1)(3)(4), 12–15, Sch. 23, Sch. 24 Pt. II, Sch. 26, Sch. 27 paras. 1–8, 14–26, Sch. 28 paras. 1–3, 4(2), 5, 6, 8–20, Schs. 30, 31, Sch. 32 paras. 1(2)–(6), 2, 5(1)–(6)(8)(9), 6, 7(1)–(3), 8–17, 19, 20–22, 24–26, 33–35 was taken from SIF group 123:2 (Town and Country Planning: Planning, Scotland); the text of ss. 126–133, 192, 195(1), 196, 197, Sch. 25 was taken from SIF group 123:3, 4 (Town and Country Planning: Town Development, England and Wales, Town Development, Scotland); provisions omitted from SIF have been dealt with as referred to in other commentary.

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

- C1** Act: transfer of certain functions (1.7.1999) by [S.I. 1999/672](#), art. 2, [Sch. 1](#)  
**C2** Act excluded (16.3.1992) by [Avon Weir Act 1992 \(c. v\)](#), s. [61\(1\)](#).  
**C3** Act excluded (21.7.1994) by [1994 c. xiii](#), s. [33\(1\)](#)  
 Act amended (1.4.1996) by [S.I. 1996/593](#), reg. 2, [Sch. 1](#)

## PART I

### LOCAL GOVERNMENT—RELAXATION OF CONTROLS

#### 1 Relaxation of Ministerial control of authorities. **E+W**

- (1) So much of the provisions mentioned in Schedule 1 to this Act—
  - (a) as makes the exercise of any power of a local authority subject—
    - (i) to a right of appeal to a Minister; or
    - (ii) to the provisions of regulations made by a Minister; or
  - (b) as confers upon a Minister any power to give a local authority directions or power to require a local authority to make bylaws; or
  - (c) as requires a local authority to make any report or give any notice to a Minister, shall cease to have effect.
- (2) The amendments specified in Schedule 2 to this Act shall have effect for the purpose of limiting—
  - (a) the powers of the Secretary of State and the Treasury to supervise local authorities, <sup>F1</sup> . . . and river purification authorities in the discharge of their functions relating to clean air and pollution ; and
  - (b) the powers of the Treasury to control rates of interest on sums payable to such authorities and to the Secretary of State in respect of expenses incurred by them in the discharge of such functions.
- (3) The amendments specified in Schedule 3 to this Act shall have effect for the purpose of limiting the powers of Ministers to supervise local authorities in the discharge of their functions relating to amenity and connected matters.
- (4) The amendments specified in Schedule 4 to this Act shall have effect for the purpose of limiting the Secretary of State's powers to supervise local authorities in the discharge of their functions relating to . . . <sup>F2</sup> trade.
- (5) The amendments specified in Schedule 5 to this Act shall have effect for the purpose—
  - (a) of limiting the Secretary of State's powers to supervise local authorities in the discharge of their functions relating to allotments; and
  - (b) of otherwise amending the enactments relating to the duties of the Secretary of State and of local authorities in relation to allotments.

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- (6) The amendments specified in Schedule 6 to this Act shall have effect for the purpose of limiting the powers of Ministers to control charges to be imposed by local authorities for the services provided by them and rates of interest to which local authorities may be entitled.
- (7) The amendments specified in Part I of Schedule 7 to this Act shall have effect for the purpose of limiting the powers of Ministers to supervise local authorities in the discharge of their functions relating to highways.
- (8) The amendments specified in Part II of that Schedule shall have effect in relation to the functions of local authorities relating to road traffic and to matters connected with those functions.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F1** Words repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, [Sch. 27 Pt. I](#)
- F2** Words repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 98, [Sch. 13 Pt. I](#)

## 1 Relaxation of Ministerial control of authorities. **S**

- (1) So much of the provisions mentioned in Schedule 1 to this Act—
  - (a) as makes the exercise of any power of a local authority subject—
    - (i) to a right of appeal to a Minister; or
    - (ii) to the provisions of regulations made by a Minister; or
  - (b) as confers upon a Minister any power to give a local authority directions or power to require a local authority to make bylaws; or
  - (c) as requires a local authority to make any report or give any notice to a Minister, shall cease to have effect.
- (2) The amendments specified in Schedule 2 to this Act shall have effect for the purpose of limiting—
  - (a) the powers of the Secretary of State and the Treasury to supervise local authorities, <sup>F489</sup>and water authorities] in the discharge of their functions relating to clean air and pollution ; and
  - (b) the powers of the Treasury to control rates of interest on sums payable to such authorities and to the Secretary of State in respect of expenses incurred by them in the discharge of such functions.
- (3) The amendments specified in Schedule 3 to this Act shall have effect for the purpose of limiting the powers of Ministers to supervise local authorities in the discharge of their functions relating to amenity and connected matters.
- (4) The amendments specified in Schedule 4 to this Act shall have effect for the purpose of limiting the Secretary of State's powers to supervise local authorities in the discharge of their functions relating to . . . <sup>F490</sup>trade.
- (5) The amendments specified in Schedule 5 to this Act shall have effect for the purpose—

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- (a) of limiting the Secretary of State's powers to supervise local authorities in the discharge of their functions relating to allotments; and
  - (b) of otherwise amending the enactments relating to the duties of the Secretary of State and of local authorities in relation to allotments.
- (6) The amendments specified in Schedule 6 to this Act shall have effect for the purpose of limiting the powers of Ministers to control charges to be imposed by local authorities for the services provided by them and rates of interest to which local authorities may be entitled.
- (7) The amendments specified in Part I of Schedule 7 to this Act shall have effect for the purpose of limiting the powers of Ministers to supervise local authorities in the discharge of their functions relating to highways.
- (8) The amendments specified in Part II of that Schedule shall have effect in relation to the functions of local authorities relating to road traffic and to matters connected with those functions.

#### Extent Information

- E4** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F489** Words in s. 1(2)(a) substituted (1.4.1996) by S.I. 1996/973, reg. 2, Sch. para. 5
- F490** Words repealed by Weights and Measures Act 1985 (c. 72, SIF 131), s. 98, Sch. 13 Pt. I

## PART II

### PUBLICATION OF INFORMATION BY LOCAL AUTHORITIES

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

- C4** Pt. II (ss. 2-4) applied (6.4.1995) (*temp.* until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 6

## 2 Duty of authorities to publish information. **E+W**

- (1) The authorities to whom this section applies are—
- (a) a county council;
  - [<sup>F3</sup>(aa) a county borough council;]
  - (b) a district council;
  - (c) ..... <sup>F4</sup>
  - (d) a London borough council;
  - (e) the Common Council of the City of London;
  - (f) the Council of the Isles of Scilly;
  - (g) in Scotland, a [<sup>F5</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
  - (h) a fire authority constituted by a combination scheme under section 5 or 6 of the <sup>M1</sup>Fire Services Act 1947, or in Scotland, a joint [<sup>F6</sup>board] constituted by



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- an administration scheme under section 36 of that Act [<sup>F7</sup>or section 147 of the Local Government (Scotland) Act 1973];
- (j) [<sup>F8</sup>a police committee constituted under section 2 of the Police Act 1964 or in Scotland]a police authority constituted under section 2 of the <sup>M2</sup> Police (Scotland) Act 1967 ;
- (k) [<sup>F8</sup>a combined police authority constituted in accordance with the provisions of an amalgamation scheme under section 21 of the Police Act 1964 or in Scotland], a joint police [<sup>F9</sup>board] constituted in accordance with the provisions of an amalgamation scheme under section 19 [<sup>F9</sup>, 20 or 21B] of the Police (Scotland) Act 1967; . . . <sup>F10</sup>
- [<sup>F11</sup>(ka) a joint authority established by Part IV of the <sup>M3</sup>Local Government Act 1985;]
- (l) . . . . . <sup>F12</sup>
- (2) The Secretary of State may issue for the purposes of this section a code of recommended practice as to the publication of information by such authorities about the discharge of their functions and other matters (including forecasts) which he considers to be related.
- (3) In relation to the Inner London Education Area functions conferred on education authorities by the Education Acts 1944 to 1980 shall be treated for the purposes of this section as conferred on the Inner London Education Authority.
- (4) a code may be prepared either by the Secretary of State or by some other person at his request.
- (5) The Secretary of State may from time to time revise or request some other person to revise the whole or any part of a code.
- (6) A code may specify—
- that publication be made in periodical reports or in any other specified manner;
  - the occasions on which such publication is to made; and
  - the form which such publication is to take.
- (7) Without prejudice to the generality of subsection (6) above, a code may specify, as a manner of publishing information—
- its dispatch with, or inclusion in, a demand note on which a rate is levied under the <sup>M4</sup>General Rate Act 1967 or the <sup>M5</sup> Local Government (Scotland) Act 1973
  - [<sup>F13</sup>(b) its inclusion in a statement of accounts prepared by an authority to which this section applies in accordance with regulations under section 23 of the <sup>M6</sup>Local Government Finance Act 1982 or in an abstract of accounts prepared by such an authority in accordance with regulations under section 105 of the <sup>M7</sup>Local Government (Scotland) Act 1973; or]
  - its being made available for inspection by members of the public at an authority's office or elsewhere.
- (8) A code may specify steps which authorities are to take to inform the public of the availability of the information.
- (9) Where a code specifies information as to the cost of the discharge of any of the functions of authorities, it may specify how the cost is to be determined.
- (10) More than one code may be issued under this section, and different codes may deal with—
- different classes of information;

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- (b) different kinds of authority or the same kind of authority in different circumstances or different areas ;
- (c) different manners, forms or occasions of publication.

#### Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F3** S. 2(1)(aa) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 57(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**
- F4** S. 2(1)(c) repealed by Local Government Act 1985 (c. 51, SIF 81:1) ss. 1, 102, Sch. 17
- F5** Words in s. 2(1)(g) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(2)(a)**; S.I. 1996/323, **art. 4(1)(c)**
- F6** Word in s. 2(1)(h) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(2)(b)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F7** Words in s. 2(1)(h) inserted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(2)(b)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F8** Words in s. 2(1)(j)(k) repealed (1.10.1994 for certain purposes only and 1.4.1995 otherwise) by 1994 c. 29, ss. 43, 93, Sch. 4 Pt. I para. 19, **Sch. 9 Pt. I**; S.I. 1994/2025, **art. 6(1)(2)(6)**; S.I. 1994/3262, art. 4(1), **Sch.**
- F9** Words in s. 2(1)(k) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(2)(c)**; S.I. 1996/323, **art. 4(1)(c)**
- F10** Word repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. II para. 59(1)(a)**
- F11** S. 2(1)(ka) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 59(1)(a)**
- F12** S. 2(1)(l) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237, **Sch. 13 Pt. I**
- F13** S. 2(7)(b) substituted by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 34, **Sch. 5 para 8(1)**

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

- C5** S. 2(7)(ka) extended by S.I. 1985/1884, art. 10, Sch. 3 para 4(s), **1987/2110** art. 2, Sch. 1 para 8(n)

#### Marginal Citations

- M1** 1947 c. 41 (50).
- M2** 1967 c. 77.
- M3** 1985 c. 51 (81:1).
- M4** 1967 c. 9 (103:1, 2).
- M5** 1973 c. 65 (81:2).
- M6** 1982 c. 32 (81:1).
- M7** 1973 c. 65(81:2).

## 2 Duty of authorities to publish information. **S**

- (1) The authorities to whom this section applies are—
- (a) a county council;
  - [<sup>F491</sup>(aa) a county borough council;]
  - (b) a district council;
  - (c) ..... <sup>F492</sup>
  - (d) a London borough council;
  - (e) the Common Council of the City of London;

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- (f) the Council of the Isles of Scilly;
- (g) in Scotland, a [<sup>F493</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
- (h) a fire authority constituted by a combination scheme under section 5 or 6 of the <sup>M248</sup>Fire Services Act 1947, or in Scotland, a joint [<sup>F493</sup>board]constituted by an administration scheme under section 36 of that Act [<sup>F494</sup>or section 147 of the <sup>M249</sup>Local Government (Scotland) Act 1973];
- (j) [<sup>F495</sup>a police committee constituted under section 2 of the <sup>M250</sup>Police Act 1964 or in Scotland] a police authority constituted under section 2 of the <sup>M251</sup>Police (Scotland) Act 1967 ;
- (k) [<sup>F495</sup>a combined police authority constituted in accordance with the provisions of an amalgamation scheme under section 21 of the Police Act 1964 or in Scotland], a joint police [<sup>F493</sup>board] constituted in accordance with the provisions of an amalgamation scheme under section 19 [, 20 or 21B] of the Police (Scotland) Act 1967; . . . <sup>F496</sup>
- [<sup>F497</sup>(ka) a joint authority established by Part IV of the <sup>M252</sup>Local Government Act 1985;]
- (l) . . . . . <sup>F498</sup>
- (2) The Secretary of State may issue for the purposes of this section a code of recommended practice as to the publication of information by such authorities about the discharge of their functions and other matters (including forecasts) which he considers to be related.
- (3) In relation to the Inner London Education Area functions conferred on education authorities by the Education Acts 1944 to 1980 shall be treated for the purposes of this section as conferred on the Inner London Education Authority.
- (4) a code may be prepared either by the Secretary of State or by some other person at his request.
- (5) The Secretary of State may from time to time revise or request some other person to revise the whole or any part of a code.
- (6) A code may specify—
  - (a) that publication be made in periodical reports or in any other specified manner;
  - (b) the occasions on which such publication is to made; and
  - (c) the form which such publication is to take.
- (7) Without prejudice to the generality of subsection (6) above, a code may specify, as a manner of publishing information—
  - (a) its dispatch with, or inclusion in, a demand note on which a rate is levied under the <sup>M253</sup>General Rate Act 1967 <sup>F499</sup> . . .
  - [<sup>F500</sup>(aa) its dispatch with, or inclusion in—
    - (i) a demand note for payment of rates issued under section 237(1) of the <sup>M254</sup>Local Government (Scotland) Act 1947 ; or
    - [ a notice given by virtue of regulations made under paragraph 2 of <sup>F501</sup>(ii) Schedule 2 to the Local Government Finance Act 1992]]
    - (b) its inclusion in an abstract of accounts prepared by an authority to whom this section applies in accordance with regulations under section 166 of the <sup>M255</sup>Local Government Act 1972 or section 105 of the <sup>M256</sup>Local Government (Scotland) Act 1973; or

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- (c) its being made available for inspection by members of the public at an authority's office or elsewhere.
- (8) A code may specify steps which authorities are to take to inform the public of the availability of the information.
- (9) Where a code specifies information as to the cost of the discharge of any of the functions of authorities, it may specify how the cost is to be determined.
- (10) More than one code may be issued under this section, and different codes may deal with—
  - (a) different classes of information;
  - (b) different kinds of authority or the same kind of authority in different circumstances or different areas ;
  - (c) different manners, forms or occasions of publication.

#### Extent Information

- E5** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Textual Amendments

- F491** S. 2(1)(aa) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 57(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**
- F492** S. 2(1)(c) repealed by Local Government Act 1985 (c. 51, SIF 81:1) ss. 1, 102, Sch. 17
- F493** Words in s. 2(1)(g)(h)(k) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(2)**; S.I. 1996/323, **art. 4(1)(c)**
- F494** Words in s. 2(1)(h) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(2)**; S.I. 1996/323, **art. 4(1)(c)**
- F495** Words in s. 2(1)(j)(k) repealed (1.10.1994 for certain purposes only and 1.4.1995 otherwise) by 1994 c. 29, ss. 43, 93, Sch. 4 Pt. I para. 19, **Sch. 9 Pt. I**; S.I. 1994/2025, **art. 6(1)(2)(6)**; S.I. 1994/3262, art. 4(1), **Sch.**
- F496** Word repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. II para. 59(1)(a)**
- F497** S. 2(1)(ka) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 59(1)(a)**
- F498** S. 2(1)(l) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237, **Sch. 13 Pt. I**
- F499** Words repealed by Local Government Finance Act 1988 (c. 41, SIF 103:2), s. 137, **Sch. 12 Pt. II para. 14**
- F500** S. 2(7)(aa) inserted by Local Government Finance Act 1988 (c. 41, SIF 103:2), s. 137, **Sch. 12 Pt. II para. 14**
- F501** S. 2(7)(aa)(ii) substituted (1.10.1992) by Local Government Finance Act 1992 (c. 14), s. 117(1), **Sch. 13 para. 49** (with s. 118(1)(2)(4)); S.I. 1992/2183, **art. 2(c)**.

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

- C191** S. 2(7)(ka) extended by S.I. 1985/1884, art. 10, Sch. 3 para 4(s), **1987/2110** art. 2, Sch. 1 para 8(n)

#### Marginal Citations

- M248** 1947 c. 41 (50).  
**M249** 1973 c. 65.  
**M250** 1964 c. 48 (95).  
**M251** 1967 c. 77.  
**M252** 1985 c. 51 (81:1).  
**M253** 1967 c. 9 (103:1, 2).  
**M254** 1947 c. 43(103:2).

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M255 1972 c. 70 (81:1.

M256 1973 c. 65 (81:2.

### 3 **Supplementary provisions relating to codes of practice on publication of information.**

- (1) The Secretary of State may make regulations requiring authorities to whom section 2 above applies to publish any description of information specified in a code issued under that section if in his opinion it is necessary to make such regulations in order to ensure that authorities publish information of that description.
- (2) The Secretary of State may make regulations requiring such authorities to publish any description of information specified in a code issued under section 2 above in the manner and form specified in the code, if in his opinion it is necessary to make such regulations in order to ensure that authorities publish information of that description in that manner and from.
- (3) Where the occasions specified in a code for the publication of any description of information recur not more often than once a year, the Secretary of State may make regulations requiring authorities to publish information of that description on the occasions specified in the code, if in his opinion it is necessary to make such regulations in order to ensure that authorities publish information of that description on those occasions.
- (4) Where the occasions specified in a code for the publication of any description of information recur more often than once a year, the Secretary of State may make regulations requiring authorities to publish information on the occasions specified in the code if—
  - (a) the information is of a description to which this subsection applies; and
  - (b) in his opinion it is necessary to make such regulations in order to ensure that authorities publish information of that description on the occasions specified in the code.
- (5) The descriptions of information to which subsection (4) above applies are—
  - (a) information about the discharge of authorities' functions relating to housing or land;
  - (b) information about the number of their employees or the number of any description of their employees; and
  - (c) information about the determination of applications for planning permission under [F14the Town and Country Planning Act 1990] or the M8Town and Country Planning (Scotland) Act 1972.
- (6) The Secretary of State may by order direct that subsection (4) above shall apply to descriptions of information other than those specified in subsection (5) above.
- (7) Any regulations under this section and any order under subsection (6) above may make different provision in relation to authorities in England, authorities in Scotland and authorities in Wales.
- (8) The power to make any such regulations or order shall be exercisable by statutory instrument.
- (9) A statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 11 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (10) No order under subsection (6) above shall have effect until approved by a resolution of each House of Parliament.
- (11) Before issuing a code under section 2 above or making regulations under this section or an order under subsection (6) above the Secretary of State shall consult such associations of authorities to whom section 2 above applies as appear to him to be concerned and any such authority with whom consultation appears to him to be desirable.
- (12) A code may specify and regulations under subsection (2) above may require that any description of information shall be published to the public in general or to any section of it.

#### Textual Amendments

**F14** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(1\)](#)

#### Marginal Citations

**M8** [1972 c. 52 \(123:2\)](#).

## 4 Power to direct bodies to publish information.

- (1) The relevant Minister may direct that a body or description of bodies specified in any of the paragraph of subsection (4) below shall publish information about the discharge of their functions and other matters (including forecasts) which he considers to be related.
- (2) Different directions may be given to bodies of the same description in different areas.
- (3) A direction under this section may specify—
  - (a) the manner in which information is to be published;
  - (b) the occasions on which such publication is to be made; and
  - (c) the form which such publication is to take.
- (4) The bodies and descriptions of bodies mentioned in subsection (1) above are—
  - (a) development corporations established under the <sup>M9</sup>[<sup>F15</sup>New Towns Act 1981] or the <sup>M10</sup>New Towns (Scotland) Act 1968;
  - (b) the Commission for New Towns;
  - [<sup>F16</sup>(c) water authorities;]
  - (d) urban development corporations within the meaning of Part XVI of this Act;
  - (e) Passenger Transport Executives . . . <sup>F17</sup>
  - (f) . . . . . <sup>F18</sup>
  - (g) district councils [<sup>F19</sup>or Welsh county councils or county borough councils]carrying on road passenger transport undertakings.
- (5) In this section “the relevant Minister ” means in relation—
  - (a) to the descriptions of bodies mentioned in subsection (4)(e) and (g) above, in the application of those paragraphs to England; . . . <sup>F18</sup>
  - (b) . . . . . <sup>F18</sup>
 the Minister of Transport.

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[<sup>F20</sup>(5A) In this section “the relevant Minister ” means, in relation to the National Rivers Authority, the Secretary of State or the Minister of Agriculture, Fisheries and Food]

(6) Subject to [<sup>F21</sup>subsections (5) and (5A)] above, in this section “the relevant Minister ” means the Secretary of State.

(7) A direction given to a <sup>F22</sup>. . council under this section may only relate to its road passenger transport undertaking.

#### Textual Amendments

**F15** Words substituted by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), s. 81, **Sch. 12 para. 28(a)**

**F16** S. 4(4)(c) commencing “water ” substituted for s. 4(4)(c) commencing “the National ” by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), **Sch. 25 para. 61(1)(a)**, **Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58**

**F17** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

**F18** S. 4(4)(f), (5)(b) and the word “and ” immediately preceding it repealed by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **s. 71(3)(b)**, **Sch. 7**

**F19** Words in s. 4(4)(g) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 57(2)(a)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/852, art. 9(1), **Sch. 5**

**F20** S. 4(5A) inserted by [Water Act 1989 \(c.15, SIF 130\)](#), **ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1)** **Sch. 25 para. 61(1)(b)**, **Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58**

**F21** Words “subsections (5) and (5A) ” substituted for “subsection (5) ” by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), **Sch. 25 para. 61(1)(c)**, **Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58**

**F22** Word in s. 4(7) repealed (3.4.1995) by 1994 c. 19, s. 66(6)(8), **Sch. 16 para. 57(2)(b)**, **Sch. 18** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/852, art. 9(1), **Sch. 5**

#### Marginal Citations

**M9** 1981 c. 64 (123:3).

**M10** 1968 c. 16 (123:4).

## PART III

### DIRECT LABOUR ORGANISATIONS

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

**C6** [Pt. III](#) (ss. 5-23): power to apply conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4 para. (d)(i)**; S.I. 1997/1930, **art. 3(2)(m)**

**C7** [Pt. III](#) (ss. 5-23) extended (E.W.) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 8(1)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)

#### Works Contracts

## 5 Meaning of “works contract ”.

(1) Subject to subsection (2) below, in this Part of this Act “works contract ” means a contract which is or comprises—



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- (a) an agreement (in this Part of this Act referred to as a “maintenance agreement”) under—
  - (i) section 5(3)(c) of the <sup>M11</sup>London Government Act 1963 (agreements between . . . <sup>F23</sup> London authorities for the carrying out of works of maintenance by one party in connection with land or buildings for the maintenance of which another party is responsible), or
  - (ii) section 1 of the <sup>M12</sup>Local Authorities (Goods and Services) Act 1970 (in this Part of this Act referred to as “the 1970 Act”) (which provides for the carrying out by a local authority of such works of maintenance as are referred to in subsection (1)(d) of that section); or
- (b) . . . . . <sup>F24</sup>
- (c) an agreement made by virtue of any other enactment (including a provision of a local Act) which provides for the carrying out by a local authority of any construction or maintenance work;

and in this section “works authority”, in relation to a works contract, means the local authority or, if there is more than one, each of the local authorities, by whom construction or maintenance work is or is to be undertaken in pursuance of the contract.

- (2) A contract is not a works contract by reason only that it is or comprises an agreement under which the functions of a Minister of the Crown or of any public body, within the meaning of the 1970 Act, fall to be discharged by a local authority, notwithstanding that, in the exercise of the functions, the local authority undertake construction or maintenance work.
- (3) If and so far as the provision by a works authority of goods, materials, services, vehicles, plant or other equipment which is incidental to construction or maintenance work undertaken by that authority in pursuance of a works contract is the subject of a separate agreement, that agreement shall be treated as part of the works contract for the purposes of this Part of this Act.

#### Textual Amendments

**F23** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

**F24** [S. 5\(1\)\(b\)](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

#### Marginal Citations

**M11** [1963 c. 33 \(81:1\)](#).

**M12** [1970 c. 39 \(81:4\)](#).

## 6 Regulation of works contracts.

- (1) Except in so far as section 7 below otherwise provides, a local authority may enter into a works contract in such circumstances and on such terms, having regard to the duty imposed on them by section 16 below, as they consider appropriate.
- (2) Notwithstanding anything in the 1970 Act or in any other enactment relating to such an agreement as is mentioned in section 5(1)(c) above, a body which is a public body within the meaning of the 1970 Act may not (whether as the works authority or as the body for whom any works are to be carried out) enter into a contract which in any respect contravenes any limitation imposed by section 7 below.
- (3) In any case where—



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- (a) before the appointed day, and whether before or after the passing of this Act, a local authority entered into a maintenance agreement, and
- (b) the circumstances in which or the terms on which the maintenance agreement was entered into are such that, having regard to section 7 below and to any regulations made under that section, it would not be lawful for them to enter into a similar agreement immediately after the appointed day,

then, at the expiry of the period of twelve months beginning on the appointed day, it shall cease to be lawful for the maintenance agreement to be carried out.

- (4) Accordingly, if the maintenance agreement is governed by English Law and the parties to it do not make other provision before the expiry of that period of twelve months, the <sup>M13</sup>Law Reform (Frustrated Contracts) Act 1943 shall apply to the maintenance agreement with effect from the expiry of that period.

#### Marginal Citations

**M13** 1943 c. 40 (30).

## 7 Limitations on power to enter into works contracts.

- (1) A local authority may not—

- (a) enter into a works contract [<sup>F25</sup>under which they are to carry out work] whose value exceeds the prescribed amount unless they do so as the result of acceptance of a tender, or
- (b) enter into a works contract [<sup>F25</sup>under which they are to carry our work] whose value is equal to or less than the prescribed amount unless they have complied with such conditions as may be prescribed by regulations made by the Secretary of State.

[<sup>F26</sup>(1A) A local authority may not enter into a works contract under which they are to carry out work unless the competition condition is fulfilled, that is, the other party to the contract, in entering into it and doing anything else in connection with it before entering into it, did not act in a manner having the effect or intended or likely to have the effect or restricting, distorting or preventing competition.

(1B) Subsection (1A) above shall prevent the local authority from entering into the contract [<sup>F27</sup>unless the local authority have become aware, before entering into the contract,] of the failure to fulfill the competition condition]

- (2) In this section “the prescribed amount ” means an amount specified in regulations made by the Secretary of State.

- (3) For the purposes of this Part of this Act an authority enter into a contract as the result of acceptance of a tender if—

- (a) the contract was made by acceptance of an offer on their part to carry out the work in question; and
- (b) they made the offer in response to an invitation to submit such offers; and
- (c) the invitation was extended to at least three other persons [<sup>F28</sup>who are not, or include at least three persons who are not, local authorities or development bodies].

- (4) The Secretary of State may by regulations—

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- (a) direct the manner in which the value of a contract is to be determined for the purposes of this section; and
  - (b) specify descriptions of contract to which subsection (1) above is not to apply; and
  - (c) specify for the purposes of subsection (3)(c) above a number of persons different from three.
- (5) Without prejudice to the generality of subsection (4) above, regulations made by virtue of paragraph (a) of that subsection may direct that a number of contracts shall be treated as if they were one contract for the purpose of determining whether the prescribed amount is exceeded.
- (6) Regulations under this section may make different provision in relation to different contracts and descriptions of contracts.
- (7) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F25** Words inserted by [Local Government Act 1988](#) (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para 2(2)**
- F26** [S. 7\(1A\)\(1B\)](#) inserted by [Local Government Act 1988](#) (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 2(3)**
- F27** Words in [s. 7\(1B\)](#) substituted (14.2.1993) by [Local Government Act 1992](#) (c. 19), s. 11, **Sch. 1 para.1;** [S.I. 1992/3241](#), **art.3.**
- F28** Words inserted by [Local Government Act 1988](#) (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 2(4)**

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

- C8** [S. 7\(1\)](#) excluded (S.) by [S.I. 1990/1782](#), **reg. 7(1)**  
[S. 7\(1\)](#) restricted (6.4.1992) by [S.I. 1992/582](#), **reg. 3.**
- C9** [S. 7\(1\)](#) restricted (1.4.1994 with application only to local authorities in Wales) by [S.I. 1994/338](#), **regs. 3, 7**  
[S. 7\(1\)](#) restricted (31.3.1994) by [S.I. 1994/567](#), **reg. 2**  
[S. 7\(1\)](#) excluded (31.3.1995) by [S.I. 1995/677](#), **reg. 6**  
[S. 7\(1\)](#) excluded (17.4.1997) by [S.I. 1997/999](#), **reg. 8**

### Functional work

## 8 Meaning of functional work **E+W**

- (1) Subject to subsection (2) below, in this Part of this Act “functional work ” means reconstruction or maintenance work undertaken by a local authority otherwise than under a works contract or by a development body, for the performance of, or in connection with—
- (a) their functions; or
  - (b) their obligations under any arrangements, agreement or requirement made under any enactment and providing for the discharge by them of any functions of—
    - (i) a Minister of the Crown; or
    - <sup>F29</sup>(ii) a sewerage undertaker; or]
    - (iii) a local authority within the meaning of Part VI of the <sup>M14</sup>Local Government Act 1972 ; or

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- (iv) [<sup>F30</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]; or
  - (v) a joint board within the meaning of section 235 of the <sup>M15</sup>Local Government (Scotland) Act 1973.
- (2) Subject to subsection (3) below, where a local authority or development body carry out construction or maintenance work for the performance of, or in connection with, any of their functions or any of their obligations such as are referred to in subsection (1) (b) above by placing a contract for the doing of the work by another person (either directly or, in whole or in part, through sub-contractors) the work shall be treated as not being functional work.
- (3) Subsection (2) above shall not apply to work done under a contract if that work is dependent upon, or incidental or preparatory to, other construction or maintenance work undertaken or to be undertaken by persons in the employment of the local authority or development body.

#### Extent Information

- E3** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F29** S. 8(1)(b)(ii) commencing "a sewerage " substituted (E.W.) for para. ii commencing "a water " by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 61(2), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), **58**
- F30** Words in s. 8(1)(b)(iv) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(3)**; S.I. 1996/323, **art. 4(1)(c)**

#### Marginal Citations

- M14** 1972 c. 70 (81:1).  
**M15** 1973 c. 65 ( 81:2).

## 8 Meaning of functional work **S**

- (1) Subject to subsection (2) below, in this Part of this Act "functional work " means mconstruction or maintenance work undertaken by a local authority otherwise than under a works contract or by a development body, for the performance of, or in connection with—
- (a) their functions; or
  - (b) their obligations under any arrangements, agreement or requirement made under any enactment and providing for the discharge by them of any functions of—
    - (i) a Minister of the Crown; or
    - (ii) [<sup>F502</sup> . . .
    - (iii) a local authority within the meaning of Part VI of the <sup>M257</sup>Local Government Act 1972 ; or
    - (iv) [<sup>F503</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]; or

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(v) a joint board within the meaning of section 235 of the <sup>M258</sup>Local Government (Scotland) Act 1973.

- (2) Subject to subsection (3) below, where a local authority or development body carry out construction or maintenance work for the performance of, or in connection with, any of their functions or any of their obligations such as are referred to in subsection (1) (b) above by placing a contract for the doing of the work by another person (either directly or, in whole or in part, through sub-contractors) the work shall be treated as not being functional work.
- (3) Subsection (2) above shall not apply to work done under a contract if that work is dependent upon, or incidental or preparatory to, other construction or maintenance work undertaken or to be undertaken by persons in the employment of the local authority or development body.

#### Extent Information

**E6** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

**F502** Words in s. 8(1)(b) repealed (1.4.1996) by 1994 c. 39, s. 180(2), [Sch. 14](#); S.I. 1996/323, art. 4(1)(d), [Sch. 2](#)

**F503** Words in s. 8(1)(b)(iv) substituted (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 120\(3\)](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)

#### Marginal Citations

**M257** 1972 c. 70 (81:1).

**M258** 1973 c. 65 (81:2).

## 9 Regulation of functional work.

- (1) Subject to the following provisions of this section, a local authority or development body may undertake such functional work as they consider appropriate, having regard to the duty imposed by section 16 below.
- (2) A local authority or development body may not undertake such functional work of any description unless they have first [<sup>F31</sup>, in accordance with such requirements (if any) as may be contained in regulations made by the Secretary of State,] prepared a written statement—
  - (a) of the amount which they will credit to their DLO revenue account in respect of carrying out the work or of carrying out work of that description which they intend or expect to carry out; or
  - (b) of a method by which they intend that the amount to be so credited shall be calculated.
- (3) The Secretary of State may by regulations—
  - (a) specify descriptions of functional work which a local authority or development body may not undertake unless they have first complied with the conditions specified in subsection (4) below as well as with subsection (2) above; and

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- (b) specify conditions with which a local authority or development body must comply, as well as complying with subsection (2) above, before they undertake functional work of any other description.
- (4) The conditions mentioned in subsection (3)(a) above are—
  - (a) that they have invited offers to undertake the work, in accordance with [<sup>F32</sup>a detailed specification prepared for the purposes of the invitation], from at least three persons [<sup>F33</sup>who are not, or include at least three persons who are not, local authorities or development bodies and who are included in a list maintained by the authority or body seeking to undertake the work] of persons who are willing to undertake such work; and
  - [<sup>F34</sup>(aa) that they have included in the invitation prescribed matters (which they may relate to the time allowed for responding, the method of responding, or otherwise); and
  - (aaa) that they have complied with the prescribed requirements as to responses (which may include requirements to disregard certain responses, requirements about the keeping or opening of responses, or otherwise); and
  - (aaaa) that, in reaching the decision that they should undertake the work and in doing anything else in connection with the work before reaching the decision, they have not acted in a manner having the effect or intended or likely to have the effect of restricting, distorting or preventing competition; and]
  - (b) that they have furnished any statement which they are required to furnish in pursuance of subsection (8) below ;

[<sup>F35</sup>and “prescribed ” in paragraphs (aa) and (aaa) above means prescribed by regulations made by the Secretary of State]
- (5) The Secretary of State may by regulations specify for the purposes of subsection (4)(a) above a number of persons different from three.
- [<sup>F36</sup>(5A) Regulations under subsection (3)(a) above may provide that the conditions in subsection (4)(aa) and (aaa) above are not to apply if the work falling within a description specified by the regulations satisfies such criteria as are so specified]
- (6) Where a local authority or development body are required to comply with the [<sup>F37</sup>condition specified in subsection (4)(a)] above, the written statement which they are required to prepare under subsection (2) above is a statement consistent with [<sup>F38</sup>the requirements of the specification prepared for the purposes of] the invitation mentioned in subsection (4)(a) above.
- (7) Where—
  - (a) a local authority or development body are required to comply with conditions specified in regulations made by virtue of subsection (3)(b) above; and
  - (b) the conditions require them to invite offers to undertake work,

the written statement which they are required to prepare under subsection (2) above is a statement consistent with conditions corresponding to those specified in the invitation.
- (8) If any person requires a local authority or development body to do so, they shall furnish him with a written statement showing who is to undertake the work, its estimated cost and the price of each offer submitted to the local authority or development body in consequence of the invitation mentioned in subsection (4)(a) above.
- (9) In subsection (8) above “estimated cost ”, in relation to any work, means—

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- (a) if the local authority or development body are to carry out the work themselves, its cost as estimated under subsection (2) above; and
- (b) if any other person is to carry it out, the price for which he has contracted to carry it out.

(10) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F31** Words in s. 9(2) inserted (13.6.1994) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 2(1)**; S.I. 1994/1445, **art. 2**
- F32** Words in s. 9(4)(a) substituted (14.3.1994) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 2(2)**; S.I. 1992/3241, **art. 4**.
- F33** Words substituted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 3(2)** (subject to savings in S.I. 1988/979, **art. 4** and S.I. 1988/1043, **art. 4**)
- F34** S. 9(4)(aa)–(aaaa) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 3(3)**
- F35** Words inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 3(4)**
- F36** S. 9(5A) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 3(5)**
- F37** Words substituted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 3(6)**
- F38** Words in s. 9(6) substituted (14.3.1994) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 2(3)**; S.I. 1992/3241, **art. 4**.

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

- C10** S. 9 excluded (9.1.1995) by S.I. 1994/3167, **reg. 5(3)**  
S. 9 applied (9.1.1995) by S.I. 1994/3167, **reg. 6(1)**
- C11** S. 9(4)(aaaa) excluded by S.I. 1988/1043, **art. 4**
- C12** S. 9(4)(aaaa) excluded by S.I. 1988/979, **art. 4** and S.I. 1988/1043, **art. 4**

### Accounting Provisions

## 10 Accounts relating to construction or maintenance work

- (1) Every local authority who undertake construction or maintenance work—
- (a) under works contracts, or
  - (b) by way of functional work,
- and every development body who undertake construction or maintenance work by way of functional work shall keep, in respect of each of the descriptions of such work specified in subsection (2) below—
- (i) a revenue account (in this Act referred to as a “DLO revenue account ”); and
  - (ii) such other accounts as may be directed by the Secretary of State.
- (2) The descriptions of construction or maintenance work mentioned in subsection (1) above are—
- <sup>F39</sup>(a) general highway works and works in connection with the construction or maintenance of a sewer;
  - (b) works of new construction, other than general highway works or works in connection with the construction of a sewer, the cost of which in the estimation of the authority or development body will exceed £50,000; and

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- (c) works of new construction, other than general highway works or works in connection with the construction of a sewer, the cost of which in the estimation of the authority or development body will not exceed £50,000; and
  - (d) works of maintenance within the meaning of the 1970 Act other than such works of maintenance in connection with highways of the maintenance of a sewer]
- [<sup>F40</sup>The descriptions of construction or maintenance work mentioned in subsection (1) above are in Scotland—
- <sup>F41</sup>[
- (a) general highway works on a trunk road;
  - (aa) general highway works on a road other than a trunk road;]
  - (b) general water and sewerage works;
  - (c) works of new construction, other than general highway works or general water and sewerage works, the cost of which in the estimation of the authority or development body will exceed £50,000;
  - (d) works of new construction, other than general highway works or general water and sewerage works, the cost of which in the estimation of the authority or development body will not exceed £50,000; and
  - (e) works of maintenance within the meaning of the 1970 Act other than such works of maintenance in connection with highways or water and sewerage works [<sup>F42</sup>, and in this subsection “trunk road ” has the same meaning given in section 151(1) of the Roads (Scotland) Act 1984]]
- (3) In subsection (2) above “general highway works ” means—
- (a) construction and maintenance work for the purpose of the laying out, construction, improvement, maintenance or repair of highways, other than work for the purpose of the construction of highways which is connected with the carrying out of other works of new construction; and
  - (b) the gritting of or clearing of snow from highways [<sup>F43</sup>; and
  - (c) the maintenance of street lighting]
- (4) The Secretary of State may by regulations—
- (a) amend subsection (2) above;
  - (b) specify descriptions of construction or maintenance work, in addition to the descriptions of such work specified in that subsection, as being descriptions of such work in respect of which a local authority or development body are to be under a duty to keep the accounts mentioned in subsection (1) above.
- (5) A statutory instrument containing regulations under subsection (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section “works of new construction ” means building or civil engineering works of any description which are not works of maintenance within the meaning of the 1970 Act.

#### Textual Amendments

**F39** S. 10(2)(a)-(d) substituted (E.W.) by S.I. 1981/339, **reg. 3**

**F40** Words inserted (S.) by S.I. 1982/319, **art. 3**

**F41** S. 10(2)(a)(aa) substituted for s. 10(2)(a) as it applies to Scotland (1.4.1996) by S.I. 1996/784, **reg. 2(a)**



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**F42** Words in s. 10(2) inserted (1.4.1996) by S.I. 1996/784, reg. 2(b)

**F43** S. 10(3)(c) and the word “and ” immediately preceding it inserted (1.10.1988) by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, Sch. 6 para. 4

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

**C13** S. 10 applied (9.1.1995) by S.I. 1994/3167, regs. 4, 6(1)

## 11 Exemption from requirement to keep separate accounts under section 10.

(1) Subsection (1) of section 10 above does not require a local authority or development to keep—

- (a) in respect of any description of construction or maintenance work specified in subsection (2) of that section; or
- (b) in respect of any description of such work specified in regulations under subsection (4) of that section,

accounts for any financial year separate from accounts kept for that year in respect of any other description of construction or maintenance work, if the local authority or development body did not at any one time in the previous financial year employ more than thirty persons, other than persons excluded by subsection (2) below, who were engaged (whether wholly or partly) in carrying out construction or maintenance work of that description.

(2) The persons excluded by this subsection are persons engaged wholly or mainly upon the design, development or control of construction or maintenance work.

(3) The Secretary of State may by order specify for the purposes of subsection (1) above a number of persons less than thirty.

(4) The power to make an order conferred by subsection (3) above shall be exercisable by statutory instrument.

(5) A statutory instrument containing such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

**C14** S. 11 applied (9.1.1995) by S.I. 1994/3167, regs. 4, 6(1)

## 12 Contents of accounts relating to construction or maintenance work.

(1) Subject to subsection (4) below, a local authority or development body may not credit and DLO revenue account in respect of the cost of carrying out any functional work with a sum in excess of the appropriate amount.

(2) Where they have prepared a written statement in accordance with section 9(2)(a) above, the appropriate amount is the amount specified in that statement.

(3) Where they have prepared a written statement in accordance with section 9(2)(b) above, the appropriate amount is an amount calculated in accordance with method in that statement.

(4) Where the statement allowed for a variation in the appropriate amount in the event of changed circumstances, then if the circumstances arise (but not otherwise) the local



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authority or development body may credit the account with such sum as the statement allowed for in those circumstances.

- (5) Subject to subsections (1) and (4) above, the Secretary of State may give directions—
- (a) as to items which are to be included in accounts kept under section 10 above;
  - (b) as to the method of determining the amount of any item to be included in such accounts;
  - (c) as to the method of determining the cost undertaking any construction or maintenance work; and
  - (d) as to the extent to which the cost of providing professional, technical and administrative services for the purposes of or in connection with construction or maintenance work of any description is to be treated as part of the cost of undertaking such work of that description.

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

C15 S. 12 applied (9.1.1995) by S.I. 1994/3167, regs. 4, 6(1)

### 13 Annual balance sheet etc.

- (1) Every local authority who in any financial year undertake construction or maintenance work, whether under works contracts or by way of functional work or both, and every development body who in any financial year undertake construction or maintenance work by way of functional work, shall prepare the documents mentioned in subsection (2) below not later than 30th September in the financial year following that year.

- (2) The documents are—

- (a) ..... F44
- (b) a revenue account;
- [<sup>F45</sup>(c) a statement showing whether the local authority or development body have complied with section 16(1) below.]

- (3) ..... F46

- (4) Subject to subsection (5) below, a revenue account must show a true and fair view of the financial result of the local authority or development body having undertaken, in the financial year to which it relates, each description of construction or maintenance work to which it relates.

- (5) Where by virtue of section 11 above a revenue account relates to more than one description of construction or maintenance work, subsection (4) above shall have effect as if it required the account to show a true and fair view of the combined financial result of the local authority or development body having undertaken, in the financial year to which the account relates, all the descriptions of construction or maintenance work to which it relates.

- [<sup>F47</sup>(5A) A revenue account must be expressed in such form as the Secretary of State may specify in writing]

- <sup>F48</sup>(6) .....

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#### Textual Amendments

- F44** S. 13(2)(a) repealed by [Local Government Act 1988](#) (c. 9, SIF 81:1, 2), ss. 32, 41, Sch. 6 para. 5(2), [Sch. 7 Pt. III](#) (subject to the provision at the end of that Part)
- F45** S. 13(2)(c) substituted (13.6.1994) by [Local Government Act 1992](#) (c. 19), s. 11, [Sch. 1 para. 3](#); S.I. 1994/1445, [art. 2](#)
- F46** S. 13(3) repealed by [Local Government Act 1988](#) (c. 9, SIF 81:1, 2), ss. 32, 41, Sch. 6 para. 5(2), [Sch. 7 Pt. III](#) (subject to the provision at the end of that Part)
- F47** S. 13(5A) inserted by [Local Government Act 1988](#) (c. 9, SIF 81:1, 2), s. 32, [Sch. 6 para. 5\(3\)](#)
- F48** S. 13(6) repealed (8.8.1996) by [Local Government Act 1992](#) (c. 19), s. 29, [Sch. 4 Pt. I](#); S.I. 1996/1888, [art. 2](#)

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

- C16** S. 13 applied (9.1.1995) by S.I. 1994/3167, [regs. 4](#), 6(1)

### 14 Accounts under section 10 and other local authority accounts.

- (1) Sections 10, 12 and 13 above are without prejudice to the power of the Secretary of State to make regulations under [<sup>F49</sup>section 23 of the <sup>M16</sup>Local Government Finance Act 1982] or section 105 of the <sup>M17</sup>Local Government (Scotland) Act 1973 (regulations relating to publication of information and the form, preparation, keeping and certification of accounts, etc.) relating to DLO revenue accounts and accounts required by directions under section 10(1)(ii) above.
- (2) Notwithstanding anything in subsection (2) of section 2 of the 1970 Act (local authorities, within the meaning of that Act, to keep a separate account in respect of agreements under section 1), a local authority shall not be required by that subsection to keep a separate account in respect of any agreement under section 1 of that Act which provides for the carrying out of such works of maintenance as are referred to in subsection (1)(d) of that section.

#### Textual Amendments

- F49** Words substituted (E.W.) by [Local Government Finance Act 1982](#) (c. 32, SIF 81:1), s. 34, [Sch. 5 para. 8\(2\)](#)

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

- C17** S. 14 applied (9.1.1995) by S.I. 1994/3167, [regs. 4](#), 6(1)

#### Marginal Citations

- M16** 1982 c. 32 ( 81:1)
- M17** 1973 c. 65 ( 81:2).

### Financial provisions

### 15 Payment for construction or maintenance work undertaken in pursuance of delegated functions etc.

- (1) Where a local authority or development body undertake construction or maintenance work which is functional work by virtue of paragraph (b) of section 8(1) above, they

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shall be entitled notwithstanding anything in any enactment or in the arrangements or agreement referred to in that paragraph, to a payment in respect of undertaking that work equal to the amount which, in accordance with this Part of this Act, would be credited to the DLO revenue account kept by them in respect of work of that description if the work so undertaken were functional work by virtue of paragraph (a) of that subsection.

- (2) Subject to subsection (3) below, nothing in subsection (1) above applies to functional work undertaken in pursuance of an arrangement or agreement entered into before the appointed day.
- (3) If the arrangement or agreement entered into before the appointed day provides for the delegation of a function for an indefinite period or for a period terminable by the parties to it or by either of them, this section shall apply to work undertaken in pursuance of the arrangement or agreement in the first financial year which begins after the appointed day and in subsequent financial years.

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

**C18** S. 15 applied (9.1.1995) by S.I. 1994/3167, regs. 4, 6(1)

## 16 General financial duty: treatment of deficits.

- (1) Every local authority or development body who undertake construction or maintenance work—
- of any of the descriptions specified in subsection (2) of section 10 above; or
  - of any description specified by regulations under subsection (4) of that section,

whether under works contracts or by way of functional work or both, shall secure that, in respect of each financial year, [<sup>F50</sup>such financial objective as the Secretary of State may specify for that year is met by their revenue (as adjusted in such manner as he may so specify) for all the work of that description which is carried out in that year.]

[<sup>F51</sup>(1A) Where the Secretary of State specifies a financial objective under this section, he may define that objective by reference to such factors as he thinks fit.]

<sup>F52</sup>(2) .....

<sup>F52</sup>(3) .....

(4) ..... <sup>F53</sup>

(5) ..... <sup>F54</sup>

#### Textual Amendments

**F50** Words in s. 16(1) substituted (13.6.1994) by Local Government Act 1992 (c. 19), s. 11, Sch. 1 para. 4(1); S.I. 1994/1445, art. 2

**F51** S. 16(1A) inserted (13.6.1994) by Local Government Act 1992 (c. 19), s. 11, Sch. 1 para. 4(2); S.I. 1994/1445, art. 2

**F52** S. 16(2)(3) repealed (8.8.1996) by Local Government Act 1992 (c. 19), s. 29, Sch. 4 Pt. I; S.I. 1996/1888, art. 2

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**F53** S. 16(4) repealed by Local Government Act 1988 (c. 9, SIF 81:1, 2), ss. 32, 41, Sch. 6 para. 6, **Sch. 7 Pt. III** (subject to the provision at the end of that Part)

**F54** Ss. 16(5)(6), 19(3)(4) repealed by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 41, **Sch. 7 Pt. III** (subject to the provision at the end of that Part)

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

**C19** S. 16 applied (9.1.1995) by S.I. 1994/3167, **regs. 4, 6(1)**

17 ..... **F55**

#### Textual Amendments

**F55** S. 17 repealed by Local Government Act 1988 (c. 9, SIF 81:1, 2), ss. 32, 41, Sch. 6 para. 7, **Sch. 7 Pt. III** (subject to the provision at the end of that Part and to savings in S.I. 1988/979, **art. 5** and 1988/1043, **art. 5**) and applied (9.1.1995) by S.I. 1994/3167, **regs. 4, 6(1)** and Pt. III (ss. 5-23) expressed to be repealed (E.W.) (27.7.1999 with effect as mentioned in s. 21(1)(a)) by 1999 c. 27, s. 34, **Sch. 2(1)**, Note

### Supplementary

#### 18 Annual reports on construction or maintenance work.

- (1) Every local authority who in any financial year undertake construction or maintenance work, whether under works contracts or by way of functional work or both, and every development body who in any financial year undertake construction or maintenance by way of functional work shall prepare a report in accordance with subsection (2) below on the construction or maintenance work undertaken by them during that financial year.

[<sup>F56</sup>(1A) A report under this section must include—

- (a) a statement identifying such (if any) of the work undertaken as falls within construction or maintenance work by virtue of a decision under section 20(5) below; and
- (b) a copy of each of the documents which it is required to prepare in accordance with section 13(1) above]

- (2) A report under this section shall be prepared not later than 30th September in the financial year following that to which it relates and shall include such information as the Secretary of State may direct relating to construction or maintenance work of any description specified in subsection (2) of section 10 above or in regulations under subsection (4) of that section.

[<sup>F57</sup>(2A) A local authority or development body who have prepared a report under this section shall send a copy to the Secretary of State and to their auditor not later than 31st October in the financial year following that to which the report relates.

- (2B) Where a local authority's or development body's auditor has been sent a copy of a report in accordance with subsection (2A) above, he shall consider the [<sup>F58</sup>statement referred to in section 13(2)(c) above] a copy of which is contained in the report by virtue of subsection (1A)(b) above, and shall give his written opinion on the statement to the authority or body concerned and to the Secretary of State]

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- (3) Any person may inspect a report of a local authority or development body under this section and shall be supplied with a copy of the report by the authority or body on payment of such charge for a copy as they may reasonably require.
- (4) A local authority or development body shall publish in at least one newspaper circulating in their area notice—
- of the place where and the time when any report under this section may be inspected;
  - of the fact that copies of the report are available for supply to any person requiring them; and
  - of the charge for each such copy.
- [<sup>F59</sup>(5) For the purposes of subsections (2A) and (2B) above a local authority's or development body's auditor is the person who under any enactment is appointed, for the financial year for which the report is prepared, to audit the accounts of the authority or body]

#### Textual Amendments

- F56** S. 18(1A) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 8(2)**
- F57** S. 18(2A)(2B) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 8(3)**
- F58** Words in s. 18(2B) substituted (13.6.1994) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para.5**; S.I. 1994/1445, **art. 2**
- F59** S. 18(5A) added by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 8(4)**

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

- C20** S. 18 applied (9.1.1995) by S.I. 1994/3167, **regs. 4, 6(1)**
- C21** S. 18(2A) excluded (9.1.1995) by S.I. 1994/3167, **reg. 7(2)**

## 19 Application to joint committees.

- (1) Where two or more local authorities arrange for the discharge by a joint committee of theirs of any of their functions under any enactment not contained in this Part of this Act, this Part of this Act shall have effect as if any reference init to a local authority . . . . <sup>F60</sup>, included a reference to the joint committee.
- (2) Notwithstanding anything in any enactment, a joint committee appointed by two or more authorities may not at any time undertake construction or maintenance work—
- under works contract, or
  - by way of functional work,
- unless arrangements are in force at that time providing for the proportions in which they are to meet any deficit in any DLO revenue account of the joint committee.
- (3) . . . . . <sup>F61</sup>

#### Textual Amendments

- F60** Words repealed by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 41, **Sch. 7 Pt. III** (subject to the provision at the end of that Part)
- F61** Ss. 16(5)(6), 19(3)(4) repealed by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 41, **Sch. 7 Pt. III** (subject to the provision at the end of that Part)

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

**C22** S. 19 applied (9.1.1995) by S.I. 1994/3167, regs. 4, 6(1)

#### *[<sup>F62</sup> Sanctions]*

#### Textual Amendments

**F62** Ss. 19A, 19B inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, Sch. 6 para. 9

#### <sup>F63</sup>19A Notice for purpose of getting information.

(1) If it appears to the Secretary of State that a local authority or development body have carried out or undertaken construction or maintenance work [<sup>F64</sup>, or have decided to do so, in a case in which the carrying out or undertaking of that work has been or (if effect is given to the proposals to which the decision relates) will be] —

- (a) under a contract [<sup>F65</sup>into which that authority have entered] in contravention of section 7 above,
- (b) in circumstances where any provision of section 9(2) to (7) above has not been complied with as regards the work,
- (c) in circumstances where section 10 above has not been complied with as regards the work,
- (d) in circumstances where the provisions of section 12(1) above or of directions under section 12(5) above have not been complied with as regards any account kept in respect of the work,
- (e) in circumstances where section 13 above has not been complied with as regards the preparation or contents of the documents required by that section for the financial year in which the work is undertaken,
- (f) in circumstances where any provision of section 16 <sup>F66</sup>... above has not been complied with as regards work of the description concerned, or
- (g) in circumstances where any provision of section 18(1) to (2A) above has not been complied with as regards the financial year in which the work is undertaken,

he may serve on the authority or body a written notice falling within subsection (2) below.

(2) The notice is one which—

- (a) informs the authority or body that it appears to him that they have acted as mentioned in one of the paragraphs (identified in the notice) of subsection (1) above,
- (b) identifies the work concerned and states why it so appears, and
- (c) contains the requirement mentioned in subsection (3) below.

(3) The requirement is that the authority or body submit to him within such time as is specified in the notice a written response which—

- (a) states that they have not acted as mentioned in the paragraph concerned of subsection (1) above and justifies the statement, or
- (b) states that they have acted as so mentioned and gives reasons why he should give a direction under section 19B below.

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- (4) The Secretary of State may serve on an authority or body different notices under this section identifying the same work, whether they identify the same paragraph or different paragraphs of subsection (1) above.

#### Textual Amendments

- F63** Ss. 19A, 19B inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 9**
- F64** Words in s. 19A(1) inserted (4.1.1993) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 6(a)**; S.I. 1992/3241, **art. 2**.
- F65** Words in s. 19A(1)(a) substituted (4.1.1993) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 6(b)**; S.I. 1992/3241, **art. 2**.
- F66** Words in s. 19A(1)(f) repealed (8.8.1996) by Local Government Act 1992 (c. 19), s. 29, **Sch. 4 Pt.I**; S.I. 1996/1888, **art. 2**

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

- C23** S. 19A applied (9.1.1995) by S.I. 1994/3167, **regs. 4, 6(1)**
- C24** S. 19A(4) applied (9.1.1995) by S.I. 1994/3167, **reg. 8(3)**

#### <sup>F67</sup> 19B Power to give directions.

- (1) Where—
- the Secretary of State has served notice on an authority or body under section 19A above,
  - the time specified in the notice has expired (whether or not he has received a written response to the notice), and
  - it still appears to him that the authority or body have acted as mentioned in the paragraph concerned of section 19A(1) above,
- he may give a direction under subsection (2) or (3) below.
- (2) The Secretary of State may direct that with effect from such date as is specified in the direction the authority or body—
- shall cease to have power to carry out such construction or maintenance work as is identified in the direction, or
  - shall, as regards such construction or maintenance work as is so identified, only have the power to carry it out if such conditions as are specified in the direction are fulfilled.
- (3) Alternatively, he may direct that with effect from such date as is specified in the direction the authority or body—
- shall cease to have power to carry out such construction or maintenance work as is identified in the direction, and
  - shall, as regards such other construction or maintenance work as is so identified, only have power to carry it out if such conditions as are specified in the direction are fulfilled.
- (4) Where the Secretary of State has given a direction under subsection (2) or (3) above or this subsection (the previous direction) he may give a direction (a new direction) that with effect from such date as is specified in the new direction—



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- (a) any prohibition applying by virtue of the previous direction (whether the prohibition applies outright or if the conditions are not fulfilled) shall cease to apply,
  - (b) any outright prohibition applying by virtue of the previous direction is replaced by a prohibition applying (as regards the same work) if conditions specified in the new direction are not fulfilled, or
  - (c) any prohibition applying as regards work by virtue of the previous direction (whether the prohibition applies outright or if conditions are not fulfilled) is replaced by a prohibition which applies only to such of that work as is identified in the new direction but which is otherwise in the same terms as the prohibition in the previous direction.
- (5) If the Secretary of State directs under this section that an authority or body shall cease to have power to carry out work, or shall only have power to carry out work if certain conditions are fulfilled, the direction shall have effect notwithstanding any enactment by virtue of which they are required or authorised to do the work or (as the case may be) to do it without the need for the conditions to be fulfilled.
- [<sup>F68</sup>(5A) The conditions that may be imposed by a direction given under this section in relation to the carrying out of any work include a condition restricting the carrying out of the work to cases where—
- (a) the Secretary of State has been satisfied as to any matter specified or described in the direction; or
  - (b) the work is carried out under and in accordance with an authorisation or consent given for the purposes of the direction by the Secretary of State.]
- (6) The power to give a direction under this section shall be exercised in writing [<sup>F69</sup>and, without prejudice to subsection (4) above, shall include power, at any time, to make such variations of a direction under this section as may be agreed with the authority or body to which the direction relates.]
- (7) A direction under this section may include such supplementary, incidental, consequential or transitional provisions (whether with respect to work in progress or outstanding contractual commitments or otherwise) as appear to the Secretary of State to be necessary or expedient.

#### Textual Amendments

- F67** Ss. 19A, 19B inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 32, **Sch. 6 para. 9**
- F68** S. 19B(5A) inserted (4.1.1993) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 7(1)**; S.I. 1992/3241, **art.2**.
- F69** Words in s. 19B(6) inserted (4.1.1993) by Local Government Act 1992 (c. 19), s. 11, **Sch. 1 para. 7(2)**; S.I. 1992/3241, **art.2**.

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

- C25** S. 19B applied (9.1.1995) by S.I. 1994/3167, **regs. 4, 6(1)**
- C26** S. 19B(2)-(7) applied (9.1.1995) by S.I. 1994/3167, **reg. 9**



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## General

### 20 Interpretation of Part III.

(1) In this Part of this Act—

“appointed day ” shall be construed in accordance with section 23 below;

“construction or maintenance work ” means, subject to subsections (2) [<sup>F70</sup>to (4)] below—

(a) building or engineering work involved in the construction, improvement, maintenance or repair of buildings and other structures or in the laying out, construction, improvement, maintenance or repair of highways and other land, and

(b) the gritting of or clearing of snow from highways;

(c) [<sup>F71</sup>the maintenance of street lighting;]

“development body ” means—

(a) in relation to England and Wales—

(i) the Commission for New Towns;

(ii) a development corporation established under the [<sup>F72M18</sup>New Towns Act 1981] . . . <sup>F73</sup>

(iii) . . . . . <sup>F73</sup>

(b) in relation to Scotland—

(i) <sup>F74</sup> . . . . .

(ii) a development corporation established under the <sup>M19</sup>New Towns (Scotland) Act 1968; and

(iii) the Scottish Special Housing Association;

(c) in relation to England and Wales and to Scotland, an urban development corporation established under this Act;

“DLO revenue account ” has the meaning assigned to it by section 10(1) above;

“functional work ” shall be construed in accordance with section 8 above;

[<sup>F75c</sup>“highway ”, in relation to Scotland, means a road as defined in section 151 of the <sup>M20</sup>Roads (Scotland) Act 1984;]

“local authority ” means—

(a) [<sup>F76</sup>in relation to England <sup>F77</sup> . . . —

(aa) [<sup>F78</sup>in relation to Wales, a county council or county borough council or a police authority established under [<sup>F79</sup>section 3 of the Police Act 1996;]

(i) a county council, a district council, a London borough council, [<sup>F80</sup>a police authority established under [<sup>F79</sup>section 3 of the Police Act 1996]] [<sup>F81</sup>the Inner London Education Authority], a joint authority established by Part IV of the <sup>M21</sup>Local Government Act 1985 or the Council of the Isles of Scilly, or

(ii) The Common Council of the City of London on its capacity as local authority or police authority;]

(b) in relation to Scotland, a [<sup>F82</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“works contract ” has the meaning assigned to it by subsection (1) of section 5 above; and

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“the 1970 Act ” has the meaning assigned to it by paragraph (a) of that subsection.

(2) Notwithstanding anything in subsection (1) above, in this Act “construction or maintenance work ” does not include—

- (a) work relating to parks, gardens, playing fields, open spaces or allotments, except to the extent that the work relates to a building or structure; or
- (b) the routine maintenance of a specific building or structure or of specific buildings or structures by a person <sup>F83</sup>who—
  - (i) is employed to perform duties in relation to that building or structure, or those buildings or structures; but
  - (ii) spends the greater part of the time required for performing the duties of his employment in the carrying out of work which is neither routine maintenance nor work of any other description falling within the meaning, for the purposes of this Part of this Act, of construction or maintenance work.]

<sup>F84</sup>(2A) . . . . .

(3) Notwithstanding anything in subsection (1) above, in this Act “construction or maintenance work ” does not include work undertaken by a local authority authorised by any enactment to carry on a dock or harbour undertaking if that work is undertaken for the purposes of or in connection with that undertaking.

<sup>F85</sup>(4) Notwithstanding anything in subsection (1) above, in this Act “construction or maintenance work ” does not include work undertaken by a local authority or a development body pursuant to an agreement made (or having effect as if made) with the Secretary of State on or after 1st April 1982—

- (a) which is made by virtue of any provision of the Employment and Training Act 1973;
- (b) which specifies the work to be undertaken by the authority or body; and
- (c) under which the whole or part of the cost of the work so specified is to be paid by the Secretary of State]

<sup>F86</sup>(5) If a local authority or development body undertake work which (apart from this subsection) would not fall within construction or maintenance work, and which in their opinion cannot be undertaken efficiently separately from construction or maintenance work, the work shall (if they so decide) be treated as falling within construction or maintenance work.

(6) In section 10(3)(c) above and subsection (1) above, in paragraph (c) of the definition of “construction or maintenance work ”, “street ” (except in relation to Scotland) has the meaning given by section 329(1) of the <sup>M22</sup>Highways Act 1980 and (in relation to Scotland) means a road as defined in section 25(3) of the <sup>M23</sup>Local Government and Planning (Scotland) Act 1982.

(7) Nothing in sections 19A and 19B above shall prejudice any remedy available to a person (apart from those sections) in respect of failure to observe a provision of this Part of this Act.]

#### Textual Amendments

**F70** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 38(2)

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- F71** Para. (c) and the word “and ” preceding it inserted (1.10.1988) by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), 32, Sch. 6 para 10(2)
- F72** Words substituted by [New Towns Act 1981 \(c. 64 SIF 123:3\)](#), s. 81, Sch. 12 para. 28(b)
- F73** Sub-para (iii) and the word “and ” at the end of sub-para (ii) repealed by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), ss. 32, 41, [Sch. 6 para 10\(3\)](#), [Sch. 7 Pt. II](#) (subject to the provision at the end of that Part)
- F74** [S. 20\(1\)](#): in para. (b)(i) in definition of “development body ”  
repealed (S.) (1.4.1996) by [1994 c. 39, s. 180\(2\)](#), [Sch. 14](#); [S.I. 1996/323](#), art. 4(1)(d), [Sch. 2](#)
- F75** Definition inserted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 82](#)
- F76** Para. (a) substituted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), s. 32, [Sch. 6 para. 10\(4\)](#)
- F77** [S. 20\(1\)](#): words in definition of “local authority ”  
repealed (3.4.1995) by [1994 c. 19, s. 66\(6\)\(8\)](#), [Sch. 16 para. 57\(3\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1995/852](#), art. 9(1), [Sch. 5](#)
- F78** [S. 20\(1\)\(aa\)](#): in definition of “local authority ”  
inserted (3.4.1995) by [1994 c. 19, s. 66\(6\)](#), [Sch. 16 para. 57\(3\)](#) (with ss. 54(5)(7), 55(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1995/852](#), art. 9(1), [Sch. 5](#)
- F79** [S. 20\(1\)](#): words in para. (aa)(a)(i) in definition of “Local authority ”  
substituted (22.8.1996) by [1996 c. 16, ss. 103\(1\), 104\(1\)](#), [Sch. 7 Pt. I para. 1\(2\)\(p\)](#)
- F80** [S. 20\(1\)](#): words in definition of “local authority ”  
substituted (1.10.1994 for certain purposes and 1.4.1995 otherwise) by [1994 c. 29, s. 43](#), [Sch. 4 Pt. I para. 20](#); [S.I. 1994/2025](#), art. 6(1)(2)(6); [S.I. 1994/3262](#), art. 4(1), [Sch.](#)
- F81** Words repealed (1.4.1990) by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), s. 237, [Sch. 13 Pt. I](#)
- F82** [S. 20\(1\)](#): words in para. (b) in definition of “Local authority ”  
substituted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 120\(4\)](#); [S.I. 1996/323](#), art. 4(1)(c)
- F83** Words in [s. 20\(2\)](#) substituted (14.3.1994) by [Local Government Act 1992 \(c. 19\)](#), s. 11, [Sch. 1 para. 8](#); [S.I. 1992/3241](#), art. 4.
- F84** [S. 20\(2A\)](#) repealed (S.) (1.4.1996) by [1994 c. 39, s. 180\(2\)](#), [Sch. 14](#); [S.I. 1996/323](#), art. 4(1)(d), [Sch. 2](#)
- F85** [S. 20\(4\)](#) substituted by virtue of [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(3), [Sch. 6 para. 27](#)
- F86** [S. 20\(5\)–\(7\)](#) inserted (24.6.1988 as to s. 20(5) and 1.10.1988 as to s. 20(6)(7)) by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), s. 32, [Sch. 6 para 10\(6\)](#)

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

- C27** [S. 20\(1\)](#) extended by [S.I. 1985/1884](#), art. 10, [Sch. 3 para 4\(s\)](#)

#### Marginal Citations

- M18** [1981 c. 64 \(123:3\)](#)  
**M19** [1968 c. 16 \(123:4\)](#).  
**M20** [1984 c. 54 \(108\)](#).  
**M21** [1985 c. 51 \(81:1\)](#).  
**M22** [1980 c. 60 \(59\)](#).  
**M23** [1982 c. 43 \(81:2\)](#).

## 21 Exemption of small direct labour organisations from requirements of Part III.

- (1) This Part of this Act does not apply to a local authority or development body in any year if they did not in the previous year at any one time employ more than thirty

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persons, other than persons excluded by subsection (2) below, who were engaged (whether wholly or partly) in carrying out construction or maintenance work.

- (2) The persons excluded by this subsection are persons engaged wholly or mainly upon the design, development or control of construction or maintenance work.
- (3) The Secretary of State may by order specify for the purposes of subsection (1) above a number of persons less than thirty.
- (4) The power to make an order conferred by subsection (3) above shall be exercisable by statutory instrument.
- (5) A statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The Secretary of State may direct that this Part of this Act shall not apply to a local authority or development body in any year if he is satisfied that the only reason why it would apply to that authority or body is that at some time in the previous year the number of their employees engaged in construction or maintenance work exceeded the relevant number because it was necessary to exceed that number in order to carry out urgent construction or maintenance work whose necessity could not reasonably have been foreseen by the authority or body.
- (7) In subsection (6) above “the relevant number ” means thirty or such lesser number as may for the time being be specified for the purposes of subsection (1) above.

[<sup>F87</sup>(8) In this section “year ” means financial year.]

#### Textual Amendments

**F87** S. 21(8) added by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, [Sch. 6 para. 8\(1\)](#)

## 22 Consequential repeal or amendment of local statutory provisions.

- (1) the Secretary of State may by order—
  - (a) repeal any provision of a local Act passed before or in the same session as this Act or of an order or other instrument made under or confirmed by any Act so passed if it appears to him that the provision is inconsistent with or has become unnecessary in consequence of any provision of this Part of this Act ; and
  - (b) amend any provision of such a local Act, order or instrument if it appears to him that the provision requires amendment in consequence of any provision contained in this Part of this Act or any repeal made by virtue of paragraph (a) above.
- (2) An order under subsection (1) above may contain such incidental or transitional provisions as the Secretary of State considers appropriate in connection with the order.
- (3) It shall be the duty of the Secretary of State, before he makes an order under subsection (1) above repealing or amending any provision of a local Act, to consult each local authority which he considers would be affected by the repeal or amendment of that provision.
- (4) A statutory instrument containing an order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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## 23 Part III—supplementary

- (1) Any power to make regulations or give directions conferred by this Part of this Act [<sup>F88</sup>and the power under section 16(1) above to specify a financial objective for local authorities and development bodies,] includes power to make different provision in relation to local authorities or development bodies in England, in Wales and in Scotland.
- (2) Any power to make regulations conferred by this Part of this Act shall be exercisable by statutory instrument.
- (3) This Part of this Act, except this section, shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different provisions and for different purposes ; and any reference in any provision of this Part of this Act to the appointed day is a reference to the day appointed under this section for the coming into operation of that provision or, if different days are so appointed for different purposes of that provision, the first day so appointed.

### Textual Amendments

**F88** Words in s. 23(1) inserted (13.6.1994) by [Local Government Act 1992 \(c. 19\)](#), s. 11, [Sch. 1 para.9](#); [S.I. 1994/1445](#), [art. 2](#)

### Modifications etc. (not altering text)

- C28** 1.4.1981 appointed (E.W.) under s. 23(3), except for s. 16(1) which comes into operation for specified purposes on 1.4.1982 and for other purposes on 1.4.1981, by [S.I. 1981/341](#), [art. 2](#)
- C29** 1.4.1982 appointed under s. 23(3) for the coming into operation (S.) of Part III except s. 15(2)(3) by [S.I. 1982/317](#), [art. 2](#)

## PART IV

### LOCAL GOVERNMENT ALLOWANCES

## 24 Right of councillor to opt for financial loss allowance.

- (1) In section 173 of the <sup>M24</sup>Local Government Act 1972 (attendance allowance and financial loss allowance) at the end of subsection (1) (right of member of local authority who is a councillor to receive attendance allowance) there shall be added the words “unless a notice under section 173A below is effective in relation to him”.
- (2) The following section shall be inserted after that section:—

### “173A Right to opt for financial loss allowance.

- (1) If a councillor gives notice in writing to the local authority of which he is a member that he wishes to receive financial loss allowance, he shall be entitled, subject to and in accordance with the following provisions of this section, to receive that allowance instead of any payment by way of attendance allowance to which he would otherwise be entitled.

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- (2) A notice under this section is referred to in this section as a “financial loss allowance notice”.
- (3) If a councillor gives a financial loss allowance notice to the local authority not later than the end of the period of four weeks from his election as a member of the authority, he shall be entitled to receive financial loss allowance for the performance of any approved duty since his election, whether performed before or after giving of the notice.
- (4) If a councillor who has not given the local authority a financial loss allowance notice in accordance with subsection (3) above gives them such a notice not less than three months before the beginning of a financial year, he shall be entitled to receive financial loss allowance for the performance of any approved duty performed not earlier than the beginning of that financial year.
- (5) A financial loss allowance notice shall continue to have effect until the councillor ceases to be a member of the local authority or until a notice under subsection (6) below takes effect, whichever occurs first.
- (6) If not less than three months before the beginning of a financial year a councillor who has given the local authority of which he is a member a financial loss allowance notice gives them notice in writing that he withdraws that notice, he shall be entitled to receive payments by way of attendance allowance, instead of financial loss allowance, for the performance of any approved duty after the beginning of the financial year following the giving of the notice.”

(3) This section does not extend to Scotland.

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

**C30** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M24** 1972 c. 70.

## 25 Amendments relating to allowances to members of local authorities and other bodies.

- (1) In subsection (1) of section 174 of the <sup>M25</sup>Local Government Act 1972 (by virtue of which travelling and subsistence allowances are payable to members of local authorities and other bodies but the Secretary of State has power to specify maximum rates in the case of travel for the purpose of an approved duty within the United Kingdom) and in subsection (1) of section 46 of the <sup>M26</sup>Local Government (Scotland) Act 1973 (which makes similar provision for Scotland) after the word “travel” there shall be inserted the words “or subsistence”.
- (2) Subsection (3) of the said section 174 (by virtue of which subsistence allowance is not payable to a member of a body except in respect of a duty performed at a distance of

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more than three miles from his usual place of residence) and subsection (2) of the said section 46 (which makes similar provision for Scotland) shall cease to have effect.

(3) The following subsections shall be inserted after section 175(3) of the said Act of 1972—

“(3A) In relation to a water authority this section applies to a conference or meeting held and convened as mentioned in subsection (3) above for the purpose of discussing matters which in their opinion relate to the interests of their area or any part of it or the interests of the persons for whom they provide their services or any of those persons.

(3B) In relation to any such body as is mentioned in section 177(1)(d) or (e) below this section applies to a conference or meeting held and convened as mentioned in subsection (3) above for the purpose of discussing matters which in the body’s opinion relate—

- (a) to the functions of the body; or
- (b) to any functions of local authorities in which the body has an interest.”.

(4)

<sup>F89</sup>(5) The following subsection shall be inserted after section 47(3) of the said Act of 1973:

“(3A) In relation to any such body as is mentioned in section 49(1)(c) or (d) below this section applies to a conference or meeting held and convened as mentioned in subsection (3) above for the purpose of discussing matters which in the body’s opinion relate—

- (a) to the functions of the body; or
- (b) to any functions of local authorities in which the body has an interest.”.

#### Textual Amendments

**F89** S. 25(4) repealed by [Water Act 1983 \(c. 23, SIF 130\)](#), s. 11(3), [Sch. 5](#)

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

**C31** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)—(4)(6)—(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)—(4)(6)—(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M25** 1972 c. 70.

**M26** 1973 c. 65.

## 26 Introduction of special responsibility allowances for members of local authorities.

<sup>F90</sup>(1) . . . . .

<sup>F90</sup>(2) . . . . .



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<sup>F91</sup>(3) . . . . .

(4) In section 50 of that Act (regulations as to allowances)—

- (a) after the word “48” there shall be inserted the words “ and 49A ”;
- (b) in subsection (2), for the words “or 49” there shall be substituted the words “ 49 or 49A ”.

#### Textual Amendments

**F90** S. 26(1)(2) repealed (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(4), [Sch. 12 Pt. II](#); S.I. 1991/344, [art. 3\(2\)\(b\)\(iv\)](#)

**F91** S. 26(3) repealed with savings (1.4.1991) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(4), [Sch. 12 Pt. II](#); S.I. 1991/344, [art. 3\(2\)\(b\)\(iv\)](#), [Sch.](#)

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

**C32** The text of s. 26(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 27 Vice-chairmen of councils in Scotland and application of Part IV to Scotland.

(1) The following section shall be inserted after section 3 of the <sup>M27</sup>Local Government (Scotland) Act 1973:—

### “3A Vice-chairman.

- (1) A council may appoint a member of the council to be vice-chairman of the council.
- (2) The vice-chairman shall hold office until the expiry of the term of office of the council.
- (3) A person holding the office of vice-chairman shall be eligible for re-election as vice-chairman but shall cease to hold that office upon ceasing to be a councillor.
- (4) Subject to any standing order made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.
- (5) A council may pay the vice-chairman, for the purpose of enabling him to meet the expenses of his office, such allowance as the council think reasonable.”.

(2) Section 24 above does not extend to Scotland, and this section extends to Scotland only.

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

**C33** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.



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## Marginal Citations

**M27** 1973 c. 65.

## PART V

### RATES

#### *Valuation*

<sup>F92</sup>**28** .....

## Textual Amendments

**F92** Ss. 28, 29(1)–(3), 30, 31, 33–40, 42–44 repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

## **29 Ascertainment of rateable value of non-industrial buildings.**

(1)

<sup>F93</sup>(<sup>F94</sup>4

## Textual Amendments

**F93** Ss. 28, 29(1)–(3), 30, 31, 33–40, 42–44 repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

**F94** Ss. 29(4)(5), 41, 47(1)–(3)(4)(a)(d) repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

<sup>F95</sup>**30** .....

## Textual Amendments

**F95** Ss. 28, 29(1)–(3), 30, 31, 33–40, 42–44 repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

#### *Fish Farms*

<sup>F96</sup>**31** .....

## Textual Amendments

**F96** Ss. 28, 29(1)–(3), 30, 31, 33–40, 42–44 repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

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## 32 Rating exemption for fish farms in Scotland.

After section 7 of the <sup>M28</sup>Valuation and Rating (Scotland) Act 1956 there shall be inserted—

### **“7A Provisions relating to lands and heritages used for fish farming and dwelling houses occupied in connection therewith.**

- (1) For the purposes of any valuation roll in force for the year 1981–82 or any subsequent year or for the making up of any valuation roll for any subsequent year the following provisions of this section shall have effect regarding lands and heritages to which this section applies and dwelling-houses occupied in connection therewith.
- (2) This section applies to—
  - (a) lands and heritages (other than dwelling-houses) used solely for or in connection with fish farming; and
  - (b) lands and heritages consisting of—
    - (i) one or more buildings (other than dwelling-houses) used solely for or in connection with fish farming; or
    - (ii) any land occupied together with and used solely for or in connection with the use of such building or buildings.
- (3) No lands and heritages to which this section applies shall be entered in the valuation roll, and any reference in any enactment to the person appearing from the valuation roll to be the owner or the occupier of any lands and heritages shall on the first day after the first day of April nineteen hundred and eighty-one, have effect in the case of lands and heritages to which this section applies as if the reference to the valuation roll were omitted.
- (4) Subsections (5) to (8) of section 7 of this Act shall have effect in relation to the gross annual value of any dwelling-house which—
  - (a) is occupied in connection with lands and heritages to which this section applies; and
  - (b) is used as the dwelling-house of a person engaged primarily in carrying on or directing fish farming operations on these lands and heritages or employed in connection with fish farming thereon; and
  - (c) is suitable in character and size for such use in connection with those lands and heritages

as they have in relation to the gross annual value of any dwelling-house referred to in subsection (4) of that section, and in that connection any reference in the said subsections (5) to (8) to agricultural lands and heritages shall be construed as a reference to lands and heritages to which this section applies.
- (5) Where part of lands and heritages consists of one or more buildings or one or more parts of buildings (being a part of lands and heritages which is used for such a purpose that if it were in separate occupation it would be lands and heritages to which this section applies), then that part of lands and heritages and the remainder shall each be treated as respects the year 1981–82 and subsequent years for the purposes of the Valuation Act as if it were lands and heritages in separate occupation.

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- (6) In subsection (5) above, any reference too a building or part of a building shall be construed as including a reference to land occupied together and used solely in connection with the use of such building or part.
- (7) In determining for the purposes of this section whether during any year a building used for or in connection with fish farming is solely so used, no account shall be taken of any time in that year during which it is used in any other way, if that time does not amount to a substantial part of that year.
- (8) In this section—
- “fish farming” means the breeding or rearing of fish or the cultivation of shall fish (including crustaceans and molluscs of any description) for the purpose of producing food for human consumption or for the transfer to other waters but does not include the breeding, rearing or cultivation of any fish or shellfish—
- which are purely ornamental, or
  - which are bred, reared or cultivated for exhibition.”.

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

**C34** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M28** 1956 c. 60.

<sup>F97</sup>**33**— .....  
**40.**

#### Textual Amendments

**F97** Ss. 28, 29(1)–(3), 30, 31, 33–40, 42–44 repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

### *Unused and unoccupied property*

<sup>F98</sup>**41** .....

#### Textual Amendments

**F98** Ss. 29(4)(5), 41, 47(1)–(3)(4)(a)(d) repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

<sup>F99</sup>**42**— .....  
**44.**

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#### Textual Amendments

**F99** Ss. 28, 29(1)–(3), 30, 31, 33–40, 42–44 repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

**F100** **45** .....

#### Textual Amendments

**F100** S. 45 repealed by Social Security and Housing Benefits Act 1982 (c. 24, SIF 113:1), **s. 48(6) Sch. 5**

**F101** **46** .....

#### Textual Amendments

**F101** S. 46 repealed (1.4.1992) by Local Government Finance Act 1992 (c. 14), s. 117(2), **Sch.14** (with s. 118(1)(2)(4)); S.I. 1992/818, **art. 2(b)**, Sch.

### **47 Commencement and extent of Part V.**

(1)

**F102** (4) The following provisions of this Act, namely—

(a)

**F102** (b) paragraphs 6(2) and (3) and 10 of Schedule 33 to this Act;

(c)

**F103** (d)

**F102** (5) The provisions of Schedule 33 to this Act which give the Secretary of State power by order to prescribe multipliers and which are specified in subsection (6)(a), (b) and (c) below shall not have effect until he exercises the power conferred by them.

(6) The provisions of Schedule 33 mentioned in subsection (5) above are—

(a) paragraph 4; and

(b)

**F103** (c) paragraph 14.

(7) Subject to the foregoing provisions of this section, this Part of this Act and the repeals contained in Part IX of Schedule 34 to this Act shall come into force on the day on which this Act is passed.

(8) Sections 32 and 46 above extend to Scotland only but, subject to that, this Part of this Act extends to England and Wales only.

#### Textual Amendments

**F102** Ss. 29(4)(5), 41, 47(1)–(3)(4)(a)(d) repealed by S.I. 1990/776, art. 3(1), **Sch. 1**

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**F103** S. 47(4)(c)(6)(b) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I**

## PART VI

### RATE SUPPORT GRANT

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

- C35** Part VI extended by ss. 69(1), 82(1), and modified by s. 81(1)(3) of the [Local Government Act 1985 \(c. 51, SIF 81:1\)](#)
- C36** Part VI amended by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), **ss. 3, 5** and [Rate Support Grants Act 1987 \(c. 5, SIF 81:1\)](#), **s. 1(1)**
- C37** Part VI excluded by [Local Government Act 1987 \(c. 6, SIF 81:1\)](#), s. 10, **Sch. 3 para. 10(2)**
- C38** Part VI modified by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **s. 82**
- C39** **Pt. VI** (ss. 48–68) amended by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 186(1)**, 231(7), 235(6)
- C40** **Pt. VI** (ss. 48–68) modified by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 191(6), **Sch. 15 Pt. II para. 2(1)(b)** (as amended by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), s. 11(1), **Sch. 4 paras. 10, 12(3)**)
- C41** **Pt. VI** (ss. 48–68) amended by [Rate Support Grants Act 1988 \(c. 51, SIF 81:1\)](#), **ss. 1(10)**, 3(11)
- C42** **Pt. VI** (ss. 48–68) amended by [S.I. 1990/1024](#), **art. 4(1)**

#### *Amendments relating to existing system of rate support grants*

### 48 General power to reduce rate support grant.

- (1) The Secretary of State may reduce the amount of rate support grant payable to a local authority for the year 1980–81 and any subsequent year before the commencing year if the uniform rate for that authority’s area in that year exceeds the notional uniform rate.
- (2) In this section—
  - “notional uniform rate” means the rate which, having regard to payments of the needs element of rate support grant and the prescribed national standard rateable value per head of population, the Secretary of State considers that each rating authority in England and Wales would need to levy in order to finance the spending needs of the authority and of all authorities with the power to issue precepts to the authority; and
  - “uniform rate”—
    - (a) in relation to authorities outside Greater London, has the meaning assigned to it for the purposes of sub-paragraph (1) of paragraph 10 of Schedule 2 to the <sup>M29</sup>Local Government Act 1974 by sub-paragraph (3) of that paragraph; and
    - (b) in relation to authorities in Greater London, has that meaning subject to any adjustment of the amount made by the Secretary of State.
- (3) A report under section 3(3) of the Local Government Act 1974 (reports on rate support grant orders) shall specify the amount of the notional uniform rate.

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- (4) The notional uniform rate for the year 1980-81 shall be of such an amount as is specified in the report for that year under section 3(3) of the Local Government Act 1974.
- (5) A report under section 4(2) of that Act (reports on redetermination) shall specify the principles on which the Secretary of State has made any adjustment of the uniform rate of the authorities in Greater London.
- (6) Where the Secretary of State makes any such adjustment, he shall apply the same principles in making it to all authorities in Greater London.
- (7) Any expression used in this section or in section 49 or 50 below and to which a meaning is assigned by the <sup>M30</sup>Local Government Act 1974 has that meaning for the purposes of those sections.

#### Marginal Citations

**M29** 1974 c. 7(81:1).

**M30** 1974 c. 7 (81:1).

#### 49 Reduction of resources element.

- (1) In any case where the Secretary of State makes an order under section 4 of the Local Government Act 1984 (orders varying rate support grant orders) he may make a fresh determination of the amount of the resources element of rate support grant payable to a local authority for the year to which the order relates as provided by this section.
- (2) A determination under this section shall be made by multiplying the uniform rate for the area of a local authority by a multiplier of an amount less than unity.
- (3) Different multipliers may be determined under this section for different authorities.
- (4) The principles on which multipliers are determined under this section shall be specified in an order made by statutory instrument by the Secretary of State.
- (5) The same principles shall be applied to every determination under this section of a multiplier for any year.
- (6) An order under this section shall be laid before the House of Commons and shall not have effect until approved by a resolution of that House ; and no determination shall be made under this section until the order has effect.

#### 50 Reduction of needs element for authorities in Greater London.

- (1) The Secretary of State may vary the amount of the needs element of rate support grant payable to the council of a London borough or the Common Council of the City of London for any year, in the manner provided in this section, if the rateable value per head of the population of their area, as determined under paragraph 9 of Schedule 2 to the Local Government Act 1974, exceeds the national standard rateable value per head of population, as defined by paragraph 8 of that Schedule.
- (2) The Secretary of State shall carry out the variation mentioned in subsection (1) above, in relation to any authority, by multiplying the additional amount of needs element payable by virtue of the additional factors prescribed in relation to them under

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paragraph 1(b) of Schedule 2 to the Local Government Act 1974 by a multiplier determined on principles specified in an order made by statutory instrument by the Secretary of State.

- (3) Different multipliers may be determined under this section for different authorities.
- (4) The same principles shall be applies to every determination under this section for any year.
- (5) An order under this section shall be laid before the House of Commons and shall not have effect until approved by a resolution of that House ; and no variation shall be made under this section until the order has effect.

## **51 Supplementary grants for transport purposes.**

- (1) Notwithstanding anything in the Local Government Act 1974, the power of making grants under section 6(1) of that Act (supplementary grants fot transport purposes payable by Minister of Transport in relation to England and Secretary of State in relation to Wales) maybe exercised separately and differently for England and for Wales.
- (2) An order made by statutory instrument may provide that, with effect from such year as may be specified in the order, no supplementary grants for transport purposes under section 6 of the Local Government Act 1974 shall be paid or that no such grants shall be paid except in respect of expenditure of a description specified in the order.
- (3) Any such order shall be made—
  - (a) for England, by the Minister of Transport ; and
  - (b) for Wales, by the Secretary of State.
- (4) An order under this section may contain such provisions as appear to the Minster of Transport or, as the case may be, the Secretary of State to be necessary or proper in consequence of the provisions of the order, including provisions amending, repealing or revoking (with or without savings) any enactment or instrument made under an enactment.
- (5) In subsection (4) above “enactment” includes an enactment contained in this Act.
- (6) The power to make orders under this section includes power, from the beginning of the commencing year, to specify different years in relation to England and to Wales and to make other different provision in relation to them.
- (7) No order under this section shall effect until approved by a resolution of each House of Parliament.

## **52 Separate provision for Wales.**

- (1) Notwithstanding anything in the <sup>M31</sup>Local Government Act 1974, the powers—
  - (a) of specifying under section 2(7)(a) of that Act bodies whose expenditure in the provision of services for local authorities may be defrayed by the Secretary of State; and
  - (b) of making grnats under section 7(1) of that Act (supplementary grants towards expenditure wth respect to National Parks),
 may be exercised separately and differently for England and for Wales.



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- (2) Nothing in subsection (1) above shall affect any of the regulations made by virtue of section 2(7)(a) of the <sup>M32</sup>Local Government Act 1974 before the passing of this Act.

#### Marginal Citations

M31 1974 c. 7 (81:1).

M32 1974 c. 7 (81:1).

### *New system of rate support grants*

## 53 Introduction of new system of rate support grants.

- (1) Subject to the provisions of this Part of this Act, the Secretary of State shall, for the commencing year and each subsequent year, make out of money provided by Parliament to local authorities in England and Wales in accordance with the provisions of this Part of this Act—
  - (a) a grant to be known as “domestic rate relief grant”; and
  - (b) a grant to be known as “block grant”.
- (2) The grants made in pursuance of subsection (1) above shall together be known as “rate support grants”.
- (3) Rate support grants as defined in section 1 of the Local Government Act 1974 shall not be payable for the commencing year or for any subsequent year.
- (4) For the commencing year and any subsequent year rate support grants for local authorities in England and local authorities in Wales may be administered separately and differently; and this Part of this Act shall be construed accordingly in relation to rate support grants for any year for which such grants are so administered.
- (5) The following bodies are local authorities for the purposes of this Part of this Act, namely—
  - (a) the council of a county;
  - (b)
  - <sup>F104</sup>(c) the Inner London Education Authority;
  - (d) the council of a district;
  - (e) the council of a London borough;
  - (f) the Common Council of the City of London; <sup>F105</sup>
  - <sup>F106</sup>(ff) a joint authority; and]
  - (g) the Council of the Isles of Scilly.
- (6) For the purposes of this Part of this Act the area of the Inner London Education Authority is the Inner London Education Area <sup>F107</sup> and the area of a joint authority is the area for which the authority is established.]
- (7) The Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple are local authorities for the purposes of the provisions of this Part of this Act relating to domestic rate relief grant.
- (8) Subject to the following provisions of this Part of this Act, payments in respect of rate support grants shall be made to a local authority at such times as the Secretary of State

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with the consent of the Treasury may specify, and shall be made in aid of the revenues of the authority generally.

- (9) In this Part of this Act “the commencing year” means such year as the Secretary of State may by order made by statutory instrument appoint.
- (10) The Secretary of State may by order made by statutory instrument direct that any enactment to which this subsection applies shall cease to have effect on such date as the order may specify.
- (11) The enactments to which subsection (10) above applies are—
- (a) sections 48 to 51 and 52(1)(a) and (2) above;
  - (b) section 69(3) below;
  - (c) the provisions specified in Schedule 8 to this Act;
  - (d) paragraph 31 of Schedule 32 to this Act; and
  - (e) section 48(1A)(a) of the <sup>M33</sup>General Rate Act 1967 (standard amount for the purposes of domestic rate relief).

#### Textual Amendments

**F104** S. 53(5)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

**F105** Word repealed by Local Government Act 1985 (c. 51, SIF 81:1), **ss. 69(2)(a)**, 82(1)

**F106** S. 53(5)(ff) inserted by Local Government Act 1981 (c. 51, SIF 81:1), **ss. 69(2)(a)**, 82(1)

**F107** Words inserted by Local Government Act 1981 (c. 51, SIF 81:1), **ss. 69(2)(b)**, 82(1)

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

**C43** S. 53(1)(8) amended by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 10, **Sch. 2 para. 2**

**C44** Year beginning 1.4.1981 appointed under s. 53(9) by S.I. 1980/1893, **art. 3**

#### Marginal Citations

**M33** 1967 c. 9 (103:1,2).

## 54 The aggregate amount of rate support grants.

- (1) For the purposes of fixing the aggregate amount of the rate support grants for any year, the Secretary of State shall determine the aggregate amount (in this Part of this Act referred to as “the amount available for grants”) which he estimates to be available for the payment out of money provided by Parliament of grants to local authorities [<sup>F108</sup>and the Receiver in respect of] relevant expenditure for the year, other than—
- (a) housing subsidies;
  - (b) grants under section 8 of the <sup>M34</sup>Local Government Act 1974 [<sup>F109</sup>and rate rebate subsidy under the <sup>M35</sup>Social Security Act 1986];
  - (c) grants under section 69 of this Act; and
  - (d) grants under paragraph 29 of Schedule 32 to this Act.
- (2) The Secretary of State shall deduct from the amount determined under subsection (1) above—
- (a) the portion of the amount available for grants which he estimates will be allocated to grants in respect of specific services, other than—
    - (i) grants under section 8 of the <sup>M36</sup>Local Government Act 1974 [<sup>F109</sup>and rate rebate subsidy under the <sup>M37</sup>Social Security Act 1986]

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- (ii) grants under section 69 of this Act, and
    - (iii) grants under paragraph 29 of Schedule 32 to this Act; and
  - (b) the portion of the amount which is prescribed as the aggregate amount of supplementary grants for transport services within the meaning of section 6 of the Local Government Act 1974; and
  - (c) the portion of that amount which is prescribed as the aggregate amount of supplementary grants under section 7 of that Act.
- (3) So much of the amount available for grants as remains after making the deductions required under subsection (2) above shall be the aggregate amount of the rate support grants for that year.
- (4) Before determining the amount available for grants and the portions of that amount mentioned in paragraphs (a) to (c) of subsection (2) above, the Secretary of State shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable, and shall take into account—
- (a) the latest information available to him as to the rate of relevant expenditure;
  - (b) any probable fluctuation in the demand for services giving rise to relevant expenditure, so far as the fluctuation is attributable to circumstances—
    - (i) in England as a whole; or
    - (ii) in Wales as a whole,
 being circumstances which are not under the control of local authorities;
  - (c) the need for developing those services and the extent to which, having regard to general economic conditions, it is reasonable to develop them; and
  - (d) the current level of prices, costs and remuneration and any future variation in that level which in the opinion of the Secretary of State will result from decisions which appear to him to be final and which will have the effect of increasing or decreasing any particular prices, costs or remuneration.
- (5)
- <sup>F110</sup>(7) The following grants for specific services, namely grants—
- (a) to the Receiver <sup>F111</sup> under section 51 of the <sup>M38</sup>Powers of Criminal Courts Act 1973 (towards the cost of probation services) and under section 59 of the <sup>M39</sup>Justices of the Peace Act 1979 (grants for magistrates' courts purposes); and
  - (b) under section 31 of the <sup>M40</sup>Police Act 1964 (police grants), whether made to a committee of a local authority or not,
- shall be treated for the purposes of subsection (2) above as grants made to local authorities; <sup>F111</sup>
- (8) In this section—
- “housing subsidies” means such grants to local authorities out of money provided by Parliament for housing as may be specified by the Secretary of State as housing subsidies for the purposes of this section; and
- [<sup>F112F113</sup>(9) In this section “relevant expenditure” in relation to any year means—
- (a) the aggregate of all local authorities' relevant expenditure in relation to the year, plus
  - (b) the Receiver's total expenditure for the year (within the meaning of Schedule 2 to the Local Government Finance Act 1982).

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(10) But to the extent that, in any year, any expenditure of the Receiver or of a combined police authority is met by any grants mentioned in subsection (7)(a) or (b) above, that expenditure shall be treated for the purposes of this section as relevant expenditure in relation to that year.

(11) In this section “the Reciever” means the Receiver for the Metropolitan Police District.]

#### Textual Amendments

**F108** Words substituted by Local Government Finance Act 1987 (c. 6, SIF 81:1), s. 11, Sch. 4 para. 1(2)

**F109** Words inserted by virtue of Social Security and Housing Benefits Act 1982 (c. 24, SIF 113:1), s. 48(5), **Sch. 4 para. 35(1)** and Social Security Act 1986 (c. 50, SIF 113:1), s. 86, **Sch. 10 para. 52(1)**

**F110** S. 54(5)(6) repealed by Local Government Finance Act 1987 (c. 6, SIF 81:1), s. 11, Sch. 4 para. 1(2), **Sch. 5**

**F111** Words repealed by Local Government Finance Act 1987 (c. 6, SIF 81:1), s. 11, Sch. 4 para. 1(2), **Sch. 5**

**F112** S. 54(9)–(11) added by Local Government Finance Act 1987 (c. 6, SIF 81:1), s. 11, **Sch. 4 para. 1(3)**

**F113** Definition of “rate fund” repealed by Local Government Fiancne Act 1987 (c. 6, SIF 81:1), s. 11, **Sch. 5**

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

**C45** S. 54 excluded by Social Security and Housing Benefits Act 1982 (x. 24, SIF 113:1), s. 34(2), **S.I. 1984/111, art. 2**, and Social Security Act 1986 (c. 50, SIF 113:1) ss. 30(10), 87(3)

**C46** S. 54(1) amended by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 10, **Sch. 2 para. 3**

**C47** S. 54(4) amended by Rate Support Grants Act 1988 (c. 51, SIF 81:1), **s. 4(2)–(6)**

**C48** S. 54(4) modified by Local Government Finance Act 1987 (c. 6, SIF 81:1), s. 10, **Sch. 3 para. 1(3)(6)**

#### Marginal Citations

**M34** 1974 c. 7 (81:1).

**M35** 1986 c. 50(113:1).

**M36** 1974 c. 7 (81:1).

**M37** 1986 c. 50 (113:1).

**M38** 1973 c. 62 (39:1).

**M39** 1979 c. 55 (82).

**M40** 1964 c. 48 (95).

## 55 The domestic rate relief grant.

(1) The aggregate amount of the domestic rate relief grant shall be determined by the Secretary of State.

(2) The amount of domestic rate relief grant payable to a local authority for any year shall be calculated in accordance with Schedule 9 to this Act.

(3) No payment in respect of domestic rate relief grant shall be made—

(a) to a county council;

(b)

<sup>F114</sup>(c) to the Inner London Education Authority [<sup>F115</sup>; or

(d) to a joint authority]

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- (4) Any amounts payable to a local authority in respect of domestic rate relief grant shall be taken into account for the purposes of this and any other Act as if they were payable on account of rates.

#### Textual Amendments

**F114** S. 55(3)(b) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

**F115** Word “or” and s. 55(3)(d) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. [69\(4\)](#), [82\(1\)](#)

## 56 The block grant.

- (1) The amount of block grant for a year is the balance left after deducting the amount of domestic rate relief grant from the aggregate amount of the rate support grants.
- (2) If—
- the council of a county <sup>F116</sup> give notice to the Secretary of State that they do not wish to be paid block grant for any year; and
  - he gives them notice that he consents to it not being paid to them,
- no amount shall be payable to them by way of that grant for that year.
- (3) Any amount that would be have been payable to them shall be distributed among [<sup>F117</sup>the councils of districts in the county] as part of their said block grant for the year.
- (4)
- <sup>F118</sup>(5) The amount to be paid to a authority under subsection (3) above shall bear the same proportion to the amount that would have been payable to the county council <sup>F116</sup> as the gross rateable value of the authority’s area bears to the gross rateable value of the county <sup>F116</sup>
- (6) Subject to subsection (7) below, the amount of block grant payable to a local authority is to be calculated by deducting from [<sup>F119</sup>their total expenditure in relation to] the year the product arrived at by multiplying their grant-related poundage by the gross rateable value of their area.
- (7) The amount of block grant payable to a local authority, other than any amount payable under subsection (3) above, may not exceed [<sup>F119</sup>their total expenditure in relation to] the year.
- (8) In this Part of this Act—
- “grant-related expenditure”, in relation to each authority to whom block grant is payable for any year, means the aggregate for the year of their notional [<sup>F120</sup>total] expenditure having regard to their functions;
- “grant-related poundage”, in relation to each such authority, means <sup>F121</sup>, a poundage related—
- to a given ratio between their total expenditure and their grant-related expenditure; or
  - to a given difference between their total expenditure divided by their population and their grant-related expenditure so divided;
- “gross rateable value”, in relation to each such authority, means the aggregate of the rateable values of the hereditaments in their area;

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“rateable values”, in relation to hereditaments, means subject to subsection (14) below, rateable values ascribed to them in the valuation lists on a date to be specified for each year in the Rate Support Grant Report;

<sup>F122</sup>“valuation list” has the meaning assigned to it by section 115 of the <sup>M41</sup>General Rate Act 1967.

(9) The Secretary of State may—

- (a) defray any expenditure incurred in any year in the provision of services for local authorities by any body specified in regulations made by the Secretary of State; and
- (b) deduct from the aggregate amount of the block grant for that year, such amount, not exceeding the total of the expenditure so defrayed, as appears to him to be appropriate;

and any regulations made under section 2(7) of the <sup>M42</sup>Local Government Act 1974 shall have effect for the purposes of this subsection as if they had been made under it.

(10) Before <sup>F123</sup> exercising his powers under subsection (9) above, the Secretary of State shall consult such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to him to be desirable.

(11)

<sup>F124</sup>(12) Regulations under subsection (9) above shall be made by statutory instrument, and a statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(13) The reference to hereditaments in subsection (8) above includes a reference to a notional hereditament which a body is treated as occupying by virtue of any enactment.

(14) A Rate Support Grant Report may provide that for the year to which it relates the rateable value of hereditaments falling within any class of hereditaments shall be ascertained for the purposes of this Part of this Act otherwise than by reference to the values ascribed to them in the valuation list.

#### Textual Amendments

**F116** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

**F117** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 16 para. 9**

**F118** [S. 56\(4\)](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**

**F119** Words substituted by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), s. 11, **Sch. 4 para. 2(2)**

**F120** Word inserted by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), s. 11, **Sch. 4 para. 2(3)**

**F121** Words repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 38, **Sch. 6 Pt. III**

**F122** Definition of “total expenditure” repealed and superseded by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), ss. 3(7)(8)(9), 11, **Sch. 5**

**F123** Words repealed by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), s. 11, **Sch. 5**

**F124** [Ss. 56\(11\), 68\(4\)](#) repealed by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), s. 11, **Sch. 5**

#### Marginal Citations

**M41** [1967 c. 9 \(103:1,2\)](#).

**M42** [1974 c. 7 \(81:1\)](#).

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## 57 Determination of grant-related poundage and grant-related expenditure.

- (1) [<sup>F125</sup>A local authority's grant-related poundage shall be calculated and their grant-related expenditure shall be determined by the Secretary of State in accordance with principles to be applied to all local authorities or to all local authorities belonging to the appropriate class]
- (2) Subject to subsection (3) below, [<sup>F126</sup>the principles on which the grant-related poundage is calculated and the grant-related expenditure is determined] shall be specified in the Rate Support Grant Report.
- (3) The principles set out in section 58 need not be specified in the Rate Support Grant Report.

### Textual Amendments

**F125** S. 57(1) substituted retrospectively by [Rate Support Grants Act 1986 \(c. 54, SIF 103:1\)](#), s. 3, **Sch. 1 para. 1(2)**

**F126** Words substituted retrospectively by [Rate Support Grants Act 1986 \(c. 54, SIF 103:1\)](#), s. 3, **Sch. 1 para. 1(3)**

### Modifications etc. (not altering text)

**C49** S. 57(1) amended retrospectively by [Rate Support Grant Act 1987 \(c. 5, SIF 81:1\)](#), s. 2

## 58 Principles for determination of grant-related poundage.

- (1) The principles set out in subsections (2) and (3) below shall apply to all authorities belonging to the appropriate class.
- (2) Where an authority's total expenditure is at a level equal to or less than their grant-related expenditure, a given decrease in their total expenditure must produce the same decrease in their grant-related poundage as would be produced by the same decrease in their total expenditure if it were at any other level which is less than their grant-related expenditure.
- (3) Where an authority's total expenditure is at a level equal to or more than their grant-related expenditure, a given increase in their total expenditure must produce an increase in their grant-related poundage not less than the increase that would have been produced by the same increase in their total expenditure if it were at any lower level.
- (4) References in this section to an increase or decrease in grant-related poundage are references to an increase or decrease in absolute terms.
- (5) References in this section to an increase or decrease in an authority's total expenditure may be construed either as references to an increase or decrease in absolute terms in their [<sup>F127</sup>total] expenditure per head of the population of their area or as references to an increase or decrease in the ratio between their total expenditure and the grant-related expenditure; but such references shall be construed in the same way in relation to all authorities.

### Textual Amendments

**F127** Word inserted by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), s. 11, **Sch. 4 para. 3**



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

**C50** S. 58 amended by [Rate Support Grants Act 1988 \(c. 51, SIF 81:1\)](#), s. 1(4)

**C51** S. 58(1) amended retrospectively by [Rate Support Grants Act 1987 \(c. 5, SIF 81:1\)](#), s. 2

### 59 Adjustments of distribution of block grant.

- (1) Subject to the following provisions of this section, the Secretary of State may provide in a Rate Support Grant Report that the amount of block grant payable to a local authority for a year shall be calculated by deducting from their total expenditure, instead of the product of their drant-related poundage and the gross rateable value of their area, the product of those sums multiplied by a multiplier determined by the Secretary of State.
- (2)
- <sup>F128</sup>(4) The power conferred by subsection (1) above may be exercised so as to determine different multipliers for different authorities.
- (5) Except as provided by subsection (7) below, the power—
  - (a) may only be exercised—
    - (i) in accordance with principles to be applies to all local authorities; or
    - (ii) in accordance with principles to be applied to all local authorities belonging to the appropriate class; and
  - (b) may only be exercised for any such purpose as is specified [<sup>F129</sup>in paragraphs (b) to (d) of subsection (6) below or in section 2(2) of the Rate Support Grants Act 1986]
- (6) The purposes mentioned in subsection (5) above are—
  - (a)
  - <sup>F130</sup>(b) taking account of less than the gross rateable value of an authority or group of authorities in calculating the amount of block grant payable;
  - (c) reducing, whether in whole or in part, disparities in the rates levied in different rating areas of Greater London other than the Temples; and
  - [<sup>F131</sup>(cc) making, in the amount of block grant payable to an authority, adjustments by reference to guidance issued by the Secretary of State and designed to achieve any reduction in the level of local authority expenditure (or any restriction on increase in that level) which he thinks necessary heving regard to general economic conditions; and]
  - (d) any other such purposes as the Secretary of State may determine.
- [<sup>F132</sup>(6A) A multiplier may be subject to a maximum determined by the Secretary of State]
- (7) The power may also be exercised in accordance with principles to be applied to the councils to whose police expenses section 57 of the <sup>M43</sup>Police Act 1964 applies (counties falling partly within the Metropolitan Police District).
- (8) If the Secretary of State exercises that power, the principles on which he exercises it shall be soecified in the Rate Support Grant Report.
- (9) In this Part of this Act “the appropriate class”, in relation to a local authority, means the class specified in subsection (10) below to which that authority belongs.

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(10) Subject to subsection (11) below, any local authority of a description specified in any of the paragraphs of section 53(5) above belongs to a class consisting of all the authorities of that description.

(11) Section 53(5) above shall be treated for the purposes of this section—

(a)

<sup>F133</sup>(b) as if paragraph (d) referred to two classes, namely—

(i) councils of the metropolitan districts; and

(ii) councils of non-metropolitan districts; and

<sup>F134</sup>(c) as if paragraph (e) referred to two classes, namely—

(i) councils of inner London boroughs; and

(ii) councils of outer London boroughs;]

<sup>F135</sup>; and

(d) as if paragraph (ff) referred to four classes, namely—

(i) metropolitan county passenger transport authorities and the Northumbria Police Authority;

(ii) metropolitan county passenger transport authorities;

(iii) metropolitan county fire and civil defence authorities; and

(iv) the London Fire and Civil Defence Authority.]

<sup>F136</sup>(11A) Any guidance issued for the purposes of subsection (6)(cc) above shall be framed by reference to principles applicable to all local authorities, and before issuing any guidance for those purposes the Secretary of State shall consult such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to him to be desirable.]

(12) In their application to block grant payable to a local authority for the commencing year subsections (3) and (6)(a) above shall have effect as if references to an amount determined by the Secretary of State were substituted for the reference to the amount of block grant payable to the authority for the previous year.

#### Textual Amendments

**F128** S. 59(2)(3) repealed and superseded by Local Government Finance Act 1982 (c. 32, SIF 81:1), ss. 8(3) (5)(10)(11), 38, **Sch. 6 Pt. II**

**F129** Words substituted by Rate Support Grants Act 1986 (c. 54, SIF 103:1), s. 3, **Sch. 1 para. 4(2)**

**F130** S. 59(6)(a) repealed (and Superseded in part) by Rate Support Grants Act 1986 (c. 54, SIF 103:1). s. 2(1)(3), Sch. 1 para. 4(3), Sch. 2

**F131** S. 59(6)(cc) inserted by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 8(1)(10)(11)

**F132** S. 59(6A) inserted by Rate Support Grants Act 1986 (c. 54, SIF 103:1), s. 3, **Sch. 1 para. 4(4)**

**F133** S. 59(11)(a) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

**F134** S. 59(11)(c) substituted by Rate Support Grants Act 1986 (c. 54, SIF 103:1), s. 3, **Sch. 1 para. 4(5)**

**F135** S. 59(11)(d) inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 69(5)(b), 82(1)

**F136** S. 59(11A) inserted by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 8(2)(10)(11)

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

**C52** S. 59 modified by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 8(3)(10)(11); Rates Support Grants Act 1986 (c. 54, SIF 103:1), s. 1 and Local Government Finance Act 1988 (c. 41, SIF 81:1), s. 126(2)(3)(4)(6)

**C53** S. 59(1) amended by Rates Support Grants Act 1986 (c. 54, SIF 103:1), ss. 2, 4(2)–(4)

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- C54** S. 59(5)(a)(ii), (7) excluded by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), **s. 8(6)(10)(11)**
- C55** S. 59(6)(b) amended by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 10, **Sch. 2 para. 5(2)**
- C56** S. 59(6)(cc) power to exclude conferred by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), **s. 8(4)(10)(11)**
- C57** S. 59(12) amended by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), **s. 8(5)(10)(11)**

#### Marginal Citations

**M43** 1964 c. 48 (95).

## 60 The Rate Support Grant Report.

- (1) In this section and section 61 below “the relevant grants” means rate support grants payable under this Part of this Act and grant payable under section 6 or 7 of the <sup>M44</sup>Local Government Act 1974 (supplementary grants for transport and National Parks).
- (2) Subject to subsection (3) below, the Secretary of State shall make for each year a report (in this Part of this Act called a “Rate Support Grant Report”) relating to the relevant grants.
- (3) In so far as a Rate Support Grant Report relates to payments of grants under section 6 of the <sup>M45</sup>Local Government Act 1974 it shall be made for England by the Minister of Transport.
- (4) A Rate Support Grant Report shall be made with the consent of the Treasury.
- (5) Before making a Rate Support Grant Report the Secretary of State and the Minister of Transport shall consult such associations of local authorities as appear to them to be concerned and any local authority with whom consultation appears to them to be desirable.
- (6) A Rate Support Grant Report shall specify—
  - (a) all the determinations relating to the relevant grants which are required by any provision of this Part of this Act; and
  - (b) [<sup>F137</sup>such explanation as the Secretary of State thinks desirable of the main features of any such determination]
- (7) A Rate Support Grant Report shall be laid before the House of Commons.
- (8) No payment of any of the relevant grants for the year shall be made until the Rate Support Grant Report is approved by a resolution of the House of Commons and (subject to section 61 below) any payment may be made only in accordance with the Rate Support Grant Report as so approved.
- (9) The Secretary of State shall send a copy of every Rate Support Grant Report to each local authority as soon as practicable after it has been approved.

#### Textual Amendments

**F137** Words substituted by [Rate Support Grants Act 1986 \(c. 54, SIF 103:1\)](#), s. 3, **Sch. 1 para. 8(1)**

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

- C58** S. 60 modified (19.9.1995) by 1995 c. 25, **ss. 74(2)**, 125(2) (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C59** S. 60(5) amended by [Rate Support Grants Act 1988 \(c. 51, SIF 81:1\)](#), **s. 4(2)–(6)**

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**C60** S. 60(5) modified by Local Government Finance Act 1987 (c. 6, SIF 81:1, 2), s. 10, **Sch. 3 para. 1(3)(6)**

**C61** S. 60(6)(a)(9) amended by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 10, **Sch. 2 para. 6**

#### Marginal Citations

**M44** 1974 c. 7 (81:1).

**M45** 1974 c. 7 (81:1).

## 61 Supplementary reports.

- (1) Subject to subsection (2) below, after a Rate Support Grant Report has been made for any such year the Secretary of State may, at such time or times as he thinks fit, make one or more supplementary reports for that year.
- (2) Section 60(3) to (5), (7) and (9) above shall apply to a supplementary report as they apply to a Rate Support Grant Report.
- (3) Subject to subsections (4) and (5) below, a supplementary report may specify fresh determinations in place of all or any of those specified by the Rate Support Grant Report.
- (4) The Secretary of State may not in a supplementary report vary the aggregate amount of domestic rate relief grant determined by him for any year in the Rate Support Grant Report for that year.
- (4A)
- <sup>F138</sup>(5) The power conferred by subsections (3) above shall be exercisable only in accordance with principles applicable to all local authorities and specified in the supplementary report.
- (6) In addition to specifying any fresh determinations a supplementary report shall specify [<sup>F139</sup>such explanation as the Secretary of State thinks desirable of their main features]
- <sup>F140</sup>(6A) A supplementary report may specify fresh principles for the calculation of a grant-related poundage in place of those specified in the Rate Support Grant Report and in that event that poundage shall be recalculated on fresh principles.]
- (7) If a supplementary report is approved by a resolution of the House of Commons, any payment of any of the relevant grants for the year may be made inly in accordance with the Rate Support Grant Report for the year (as so approved, as varied by the supplementary report for the year (as so approved).

#### Textual Amendments

**F138** S. 61(4A) inserted by Rate Support Grants Act 1986 (c. 54, SIF 103:1), s. 3, **Sch. 1 para. 10** and repealed by Local Government Finance Act 1988 (c. 41, SIF 81:1), s. **126(1)(6)**

**F139** Words substituted retrospectively by Rate Support Grants Act 1986 (c. 54, SIF 103:1), s. 3, **Sch. 1 para. 8(2)**

**F140** S. 61(6A) inserted retrospectively by Rate Support Grants Act 1986 (c. 54, SIF 103:1), s. 3, **Sch. 1 para. 2**

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

**C62** S. 61 modified by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 10, **Sch. 2 para. 7**

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**C63** S. 61 modified (19.9.1995) by 1995 c. 25, ss. 74(2), 125(2) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

<sup>F141</sup>**62** .....

#### Textual Amendments

**F141** S. 62 substituted by Rate Support Grants Act 1986 (c. 54, SIF 81:1), s. 3, Sch. 1 para. 11 and repealed with saving by Rate Support Grants Act 1987 (c. 5, SIF 81:1), ss. 1(5), 2

### **63 Adjustment of block grant in connection with education etc.**

Block grant shall be subject to the adjustments arising out of expenditure by local authorities on education and for connected purposes specified in Schedule 10 to this Act.

### <sup>F142</sup>**63A Adjustment of block grant for rates equalisation contribution.**

- (1) Where in any year a local authority is entitled to receive a contribution under a scheme made by virtue of section 66 of the London Government Act 1963 (equalisation of rates) the amount of any block grant payable to the authority for that year shall, of the Secretary of State so determines, be reduced by an amount equal to that contribution or such lesser amount as he may determine.
- (2) Subsection (5) of section 61 above shall not apply to any exercise of the power conferred by subsection (3) of that section in respect of a determination under this section.]

#### Textual Amendments

**F142** S. 63A added by Local Government Act 1985 (c. 51, SIF 81:1), s. 83(2)(3)

<sup>F143</sup>**64** .....

#### Textual Amendments

**F143** S. 64 repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38, Sch. 6 Pt. III

### <sup>F144</sup>**65 Information.**

- (1) Each local authority shall submit to the Secretary of State in respect of each year, in such form and by such date as he may specify, such of the information mentioned in subsection (2) below as he may from time to time require for the purposes of this Part of this Act, section 8 of the Local Government Finance Act 1982, section 2 of the Rate Support Grants Act 1986 and sections 1 and 2 of the Local Government Finance Act 1987.
- (2) The information is information as to the following matters—

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- (a) the expenditure incurred, or to be incurred, by the authority during the year,
  - (b) their relevant expenditure in relation to the year,
  - (c) their total expenditure in relation to the year, and
  - (d) their accounts for the year.
- (3) The information required under subsection (1) above may include any of the following—
- (a) what the authority calculate as the amount of the expenditure incurred, or likely to be incurred, by them during the year,
  - (b) what the authority calculate as the amount, or likely amount, of their relevant expenditure in relation to the year,
  - (c) what the authority calculate as the amount, or likely amount, of their total expenditure in relation to the year,
  - (d) what the authority calculate as the amount of any addition or subtraction to be made in relation to the year by virtue of any specification under section 3(1) or (7) of the Local Government Finance Act 1987, and
  - (e) information about the items of account which are likely to be (as well as those which have been) debited or credited to the authority's accounts for the year.
- (4) Where no or no sufficient information as to the matters mentioned in subsection (2) above has been submitted to the Secretary of State in respect of a year, whether under subsection (1) above or otherwise, he may for the purpose of making a supplementary report, an adjustment under section 62 above or an estimate under section 66(1) below make such assumptions as to those matters as he thinks appropriate.
- (5) Where any information as to any of the matters mentioned in subsection (2) above is submitted to the Secretary of State under subsection (1) above after the date specified by him, or otherwise than under that subsection, he may for any of the purposes mentioned in subsection (4) above disregard it if he considers that it is not reasonably practicable to take it into account for that purpose.]

#### Textual Amendments

**F144** S. 65 substituted by Local Government Finance Act (c. 6, SIF 81:1), s. 11, Sch. 4 para. 4

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

**C64** S. 65 amended by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 186(2), 231(7), 235(6)

**C65** S. 65 amended by S.I. 1990/1024, art. 4(3)

**C66** S. 65 modified by S.I. 1988/2114, art. 5(3)

**C67** S. 65 modified by Local Government Act 1985 (c. 51, SIF 81:1), s. 81(1)(2)

**C68** S. 65(4) restricted by Rate Support Grants Act 1988 (c. 51, SIF 81:1), s. 1(6)

**C69** S. 65(4) excluded by Rate Support Grants Act 1988 (c. 51, SIF 81:1), s. 3(6)

## 66 Estimates and calculations.

- (1) The Secretary of State shall, upon the best information available to him, estimate and notify each local authority the amounts of domestic rate relief grant and block grant which will become payable to the authority for a year; and he may make and notify to an authority such further estimates of the said amounts, taking into account information not previously available, as he may think fit.



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- (2) As soon as practicable after he has received what appears to him to be sufficient information for the purpose, the Secretary of State shall make a conclusive calculation if the said amounts and notify the result of that calculation to each local authority.
- (3) The amounts of domestic rate relief grant and block grant payable to a local authority shall each be calculated to the nearest pound.
- (4) Where it appears to the Secretary of State from any estimate or calculation made under this section that sum in excess of the amount of the estimate or calculation has already been paid to a local authority in respect of rate support grants for the year, he may recover that sum by deduction from any amount due to that authority in respect of those grants, whether for the year or for any subsequent year, or by issuing a demand for it to the authority or partly by such deduction and partly by such a demand, as he thinks fit.

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

**C70** Ss. 66, 67 amended by Education Reform Act 1988 (c. 40, SIF 41:1), ss. **186(2)**, 231(7), 235(6)

**C71** Ss. 66, 67 amended by S.I. 1990/1024, art. **4(3)**

**C72** Ss. 66, 67 modified by S.I. 1988/2114, art. **5(3)**

**C73** S. 66 modified by Local Government Act 1985 (c. 51, SIF 81:1), s. **81(2)(3)**

**C74** S. 66 amended by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 10, **Sch. 2 para. 10**

## 67 Changes in rateable value.

- (1) After the amount of the block grant payable to a local authority for any year has been conclusively calculated under this Part of this Act, the authority may by notice in writing request the Secretary of State to give a direction under this section if—
  - (a) the rateable value of hereditaments in the authority's area has been reduced with effect from the date on or before that which is relevant for determining the gross rateable value of the hereditaments in the authority's area for that year under this Part of this Act; and
  - (b) the effect of those and any other alterations of rateable values made before the date of the notice would, had they been made on the dates as from which they took effect, have been to produce a reduction on the gross rateable value of those hereditaments which is of such a magnitude that, expressed as a percentage of their gross rateable value, it exceeds such percentage as may be specified for the purposes of this section in regulations made by the Secretary of State.
- (2) On the receipt of such a notice the Secretary of State shall direct that the amount of the block grant payable to the authority for that year shall be recalculated in accordance with the following provisions of this section and a further payment on account of that grant shall be made to the local authority accordingly.
- (3) The power to specify a percentage for the purposes of paragraph (b) of subsection (1) above includes power to specify, in relation to the second and subsequent notices given by a local authority in respect of any year, percentages higher than that specified in relation to the first notice given by the authority in respect of that year.
- (4) Where subsection (1) above applies, the amount of the block grant payable to the authority for the year shall be recalculated by treating the gross rateable value of the



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hereditaments in their area as reduced by the difference between the reduction referred to in subsection (1)(b) above and the percentage specified for the purpose of that paragraph or, where more than one percentage is so specified, the lowest of them.

- (5) The further payment shall be an amount equal to the difference between the amount previously paid to the authority for the year concerned on account of block grant and the amount recalculated as specified in subsection (2) above.
- (6) Any amount payable under this section shall be payable without the making of any report under this Part of this Act and notwithstanding the contents of any such report previously made in respect of the year for which the grant is payable.
- (7) Before making regulations under this section the Secretary of State shall consult such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to him to be desirable.
- (8) The power to make such regulations shall be exercisable by statutory instrument.
- (9) A statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

**C75** Ss. 66, 67 amended by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 186(2), 231(7), 235(6)

**C76** Ss. 66, 67 amended by S.I. 1990/1024, art. 4(3)

**C77** Ss. 66, 67 modified by S.I. 1988/2114, art. 5(3)

**C78** S. 67 modified Local Government Act 1985 (c. 51, SIF 81:1), s. 81(2)(3)

## 68 Rate support grant– supplementary.

- (1) In this Part of this Act “year” means a period of twelve months beginning with 1st April <sup>F145</sup>and “joint authority” means a joint authority established by Part IV of the <sup>M46</sup>Local Government Act 1985]

- (2) In section 10(2) of the <sup>M47</sup>Local Government Act 1974 the following definition shall be substituted for the definition of “prescribed”:—

““prescribed” means prescribed by a Rate Support Grant Report made under section 60 of the Local Government, Planning and Land Act 1980 or by a supplementary report made under section 61 of that Act ;.”

- (3)

<sup>F146</sup>(4)

<sup>F147</sup>(5)

<sup>F148</sup>(6)

- <sup>F146</sup>(7) Any power to amend regulations made under Part I of the <sup>M48</sup>Local Government Act 1974 or section 32 of the Education Act 1980 shall include power to make any such amendments in the regulations as appear to the Secretary of State to be necessary or expedient in consequence of the provisions of sections 53 to 68 above.

- (8) The amendments made by subsections (2) to (6) above shall come into force on such date as the Secretary of State may by order made by statutory instrument appoint.

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(9) This Part of this Act extends to England and Wales only.

#### Textual Amendments

**F145** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **ss. 69(6)**, 82(1)

**F146** **Ss. 68(3)(6)** repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 3, 6, **Sch. 1 Pt. 1**

**F147** **Ss. 56(11)**, **68(4)** repealed by [Local Government Finance Act 1987 \(c. 6, SIF 81:1\)](#), s. 11, **Sch. 5**

**F148** **S. 68(5)** repealed by [Education \(No. 2\) Act 1986 \(c. 61, SIF 41:1\)](#), ss. 66, 67(6), **Sch. 6 Pt. 1**

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

**C79** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**C80** 11.12.1980 appointed under s. 68(8) by [S.I. 1980/1893](#), **art. 4**

#### Marginal Citations

**M46** [1985 c. 51 \(81:1\)](#).

**M47** [1974 c. 7 \(81:1\)](#).

**M48** [1974 c. 7 \(81:1\)](#).

## PART VII

### MISCELLANEOUS GRANTS

#### *Grants in respect of rate rebates for disabled*

#### **69 Grants in respect of rebates under the Rating (Disabled Persons) Act 1978.**

(1) For the year beginning with 1st April 1979 and each subsequent year the Secretary of State shall pay out of money provided by Parliament to any authority granting rebates under the <sup>M49</sup>Rating (Disabled Persons) Act 1978 in that year a grant equal to 90 per cent. of the aggregate amount of the rebates so granted, excluding any additional amount granted by virtue of. . . <sup>F149</sup> section 4(7) of that Act. . . <sup>F149</sup>.

[<sup>F150</sup>(1A) Subject to subsection (1B) below, no grant shall be paid to any authority in respect of any rebates granted by that authority on or after 1st April 1995.

(1B) A grant shall be payable to any authority granting rebates under the said Act of 1978 in respect of non-domestic water and sewerage rates for the year beginning with 1st April 1995.]

(2) Payments of grant under this section shall be made at such times as the Secretary of State may with the consent of the Treasury determine.

[<sup>F150</sup>(2A) Subsections (1A) and (1B) above extend to Scotland only.]

(3) In section 1(2) of the <sup>M50</sup>Local Government Act 1974 (amount available for grants to local authorities) after the words “section 8 below”, in each place where they occur,

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there shall be inserted the words “ or section 69 of the Local Government, Planning and Land Act 1980 ”.

#### Textual Amendments

**F149** Words repealed (E.W.) by S.I. 1990/776, art. 3(1), **Sch. 1**

**F150** S. 69(1A)(1B)(2A) inserted (S.) (1.4.1995) by 1994 c. 39, s. 158(a)(b); S.I. 1994/3150, art. 4(a), **Sch. 1**

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

**C81** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M49** 1978 c. 40.

**M50** 1974 c. 7

### Grants for caravan sites

#### [<sup>F151</sup>70 Grants in respect of caravan sites for gipsies

- (1) This section applies to expenditure of a capital nature incurred by any local authority under section 24 of the <sup>M51</sup>Caravan Sites and Cintrol of Development Act 1960 (provision of caravan sites by local authorities) in respect of caravan sites provided for the accommodation of [<sup>F152</sup>gipsies]] [<sup>F152</sup>persons to whom subsection (8A) of that section applies]
- (2) The Secretary of State may, with the approval of the Treasury, make out money provided by Parliament grants in respect of expenditure which, in his opinion, is expenditure to which this section applies.
- (3) Any grants under this section shall be made on such terms and conditions (if any) as the Secretary of State may, with the approval of the Treasury, determine.
- (4) In this section—
 

“caravan” has the meaning assigned to it by the <sup>M52</sup>Caravan Sites and Control of Development Act 1960 [<sup>F153</sup>]; and

“gipsy” has the meaning assigned to it by the <sup>M53</sup>Caravan Sites Act 1968.]

#### Textual Amendments

**F151** S. 70 repealed (E.W.) (3.11.1994) by 1994 c. 33, ss. 80(5), 172(4) (with s. 80(5))

**F152** Words from “persons” to “applies” substituted (S.) for “gipsies” by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), s. 66(1), **Sch. 3 para. 41(a)**

**F153** Definition of “gipsy” and the word “and” immediately preceding it repealed (S.) by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), s. 66(1), **Sch. 3 para. 41(b)**, Sch. 4 Pt. I

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

**C82** S. 70 amended (28.11.1994) by S.I. 1994/2825, reg. 54

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**Marginal Citations**  
**M51** 1960 c. 62 (46:3).  
**M52** 1960 c. 62 (46:3).  
**M53** 1968 c. 52 (46:3).

PART VIII

CAPITAL EXPENDITURE OF LOCAL AUTHORITIES ETC.

F15471 .....  
—80B.

**Textual Amendments**  
**F154** Ss. 71–80B and 82–85 repealed (with savings for s. 72(3)(c) in S.I. 1990/431, art. 4, **Sch. 1 para. 1A** as inserted by S.I. 1990/762 art. 4(b))by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 39(8), 194(2), **Sch. 12 Pt. I**

F15581 .....

**Textual Amendments**  
**F155** Ss. 81, 86(7) repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

F15682 .....  
—85.

**Textual Amendments**  
**F156** Ss. 71–80B and 82–85 repealed (with savings for s. 72(3)(c) in S.I. 1990/431, art. 4, **Sch. 1 para. 1A** as inserted by S.I. 1990/762 art. 4(b))by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 39(8), 194(2), **Sch. 12 Pt. I**

PART IX

TOWN AND COUNTRY PLANNING

*Allocation of planning functions*

86      **Distribution of planning functions between planning authorities.**

F157(1) .....  
F157(2) .....

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<sup>F158</sup>(3) .....

<sup>F157</sup>(4) .....

<sup>F158</sup>(5) .....

<sup>F158</sup>(6) .....

(7)

<sup>F159</sup>(8) Subject to subsection (10) below, the provisions to which this subsection applies shall come into operation on the commencement date.

(9) The provisions to which subsection (8) above applies are—

(a) the general transfer provisions;

(b)

<sup>F160</sup>(c) paragraph 4 of Schedule 15 below.

(10) A development order required to be made for the purposes of any of the provisions to which subsection (8) above applies may be made before the commencement date.

(11) In this section—

“the commencement date” means the date on which there expires the period of two months beginning with the day on which this Act is passed;

“the general transfer provisions” means—

(a) subsections (1) to (4) above; and

(b) paragraphs 12, 13, 15, 16 and 20 of Schedule 15 below;

<sup>F161</sup>“transferred matter” means a matter which before the commencement date is a county matter, as defined in paragraph 32 of Schedule 16 to the <sup>M54</sup>Local Government Act 1972, but which ceases to be a county matter in consequence of the provisions of this Part of this Act.

#### Textual Amendments

**F157** Ss. 86(1)(2)(4), 89, 91(1) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

**F158** S. 86(3)(5)(6) repealed (E.W.) by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

**F159** Ss. 81, 86(7) repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

**F160** S. 86(9)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

**F161** Definition repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

#### Marginal Citations

**M54** 1972 c. 70

### Planning fees

#### [<sup>F162</sup>87 Fees for planning applications etc.

(1) The Secretary of State may by regulations make such provision as he thinks fit for the payment of a fee of the prescribed amount to <sup>F163</sup>... a planning authority in Scotland

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- in respect of an application made to them under the planning enactments for any permission, consent, approval, determination or certificate.
- (2) Regulations under subsection (1) above may provide for the transfer—  
<sup>F164</sup>(b) . . . . .
- (3) The Secretary of State may by regulations make such provision as he thinks fit for the payments  
<sup>F165</sup>(a) [ of fees of prescribed amounts to him and to the planning authority in respect of any application for planning permission deemed to be made under subsection (7) of section 85 (appeals against enforcement notice) of the <sup>M55</sup>Town and Country Planning (Scotland) Act 1972; and  
 (b) of a fee of the prescribed amount to him in respect of any other]] application for planning permission which is deemed to be made to him under the planning enactments
- (4) Regulations under subsection (1) or (3) above may provide for the remission or refunding of a prescribed fee (in whole or in part) in prescribed circumstances.
- (5) Regulations under subsection (1) or (3) of this section shall be made by statutory instrument.
- (6) No such regulations shall be made unless a draft of the regulations has been laid before and approved by resolution of each House of Parliament.
- (7) Any sum paid to the Secretary of State under this section shall be paid into the Consolidated Fund.
- (8) In this section “the planning enactments” means—  
 (a)  
<sup>F166</sup>(b) in Scotland, the <sup>M56</sup>Town and Country Planning (Scotland) Act 1972 and orders and regulations made under it,  
 and “prescribed” means prescribed by regulations under subsection (1) or (3) of this section.
- [<sup>F167</sup>(9) Without prejudice to the generality of subsection (1) above, the reference in that subsection to an application for any consent includes, in relation to a planning authority in Scotland, an application under section 56K(2) of the Town and Country Planning (Scotland) Act 1972 for the continuation of hazardous substances consent.]

#### Textual Amendments

- F162** S. 87 repealed (E.W.) by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. II](#)
- F163** Words repealed (S.) by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. III](#)
- F164** S. 87(2)(b) and word immediately preceding it repealed (1.4.1996) by [1994 c. 39, s. 180\(2\)](#), [Sch. 14](#); [S.I. 1996/323, art. 4\(1\)\(d\)](#), [Sch. 2](#)
- F165** S. 87(3)(a)(b) substituted (13.10.1991) for words in s. 87(3) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), s. 61, [Sch. 13, para. 45](#) (with s. 84(5)); [S.I. 1991/2272, art. 2\(b\)](#)
- F166** S. 87(2)(a), (8)(a) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. III](#)
- F167** S. 87(9) inserted (1.5.1993) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 144, [Sch. 13 Pt. II para. 13](#); [S.I. 1993/274, art. 3](#)

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### Marginal Citations

**M55** 1972 c. 52.

**M56** 1972 c. 52 (123:1, 2).

**F168** 88 .....

### Textual Amendments

**F168** S. 88 repealed by [Housing and Planning Act 1986](#) (c. 63, SIF 123:1), s. 49, **Sch. 12 Pt. III**

**F169** 89 .....

### Textual Amendments

**F169** Ss. 86(1)(2)(4), 89, 91(1) repealed by [Planning \(Consequential Provisions\) Act 1990](#) (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

**F170** 90 .....

### Textual Amendments

**F170** S. 90 repealed by [Planning \(Consequential Provisions\) Act 1990](#) (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

## Compulsory acquisition

### 91 Amendments relating to compulsory acquisition.

[<sup>F171</sup>(1) .....]

- (2) Where a compulsory purchase order has been made, or a binding contract has been entered into to acquire land, before the passing of this Act, sections 112 and 119 of the <sup>M57</sup>Town and Country Planning Act 1971 shall apply as they applied immediately before the passing of this Act, which shall for this purpose be treated as not having been passed.

### Textual Amendments

**F171** Ss. 86(1)(2)(4), 89, 91(1) repealed by [Planning \(Consequential Provisions\) Act 1990](#) (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

### Marginal Citations

**M57** 1971 c. 78.



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## *Amendments of Town and Country Planning (Scotland) Act 1972*

### **92 Town and Country Planning – Scotland.**

- (1) In section 24 of the <sup>M58</sup>Town and Country Planning (Scotland) Act 19872 (notification of applications to owners and agricultural tenants) the following paragraph shall be inserted in place of paragraph (a) of subsection (1) :—

“(a) a certificate stating that at the beginning of a period of 21 days ending with the date of the application, no person (other than the applicant) was the owner of any of the land to which the application relates;”.

- (2) In subsection (7) of the said section 24 (definition of “owner”) for the words from “entitled” to “in the land” there shall be substituted the words “ who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of the undertaking and any person entitled to possession of the land as lessee under a lease the unexpired period of which is not less than seven years ”.

- (3) Subsections (1) and (2) above shall not apply to an application for planning permission made before the commencement of this Act.

- (4) The following subsections shall be substituted for section 102(1) of the <sup>M59</sup>Town and Country Planning (Scotland) Act 1972 (compulsory acquisition by local authorities of land for development etc.):—

“(1) A local authority to whom this subsection applies shall, on being authorised to do so by the Secretary of State, have the power to acquire compulsorily—

- (a) any land within their area which is suitable for and is required in order to secure the carrying out of one or more of the following activities, namely, development, re-development and improvement;
- (b) any land which is in their area and which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

- (1A) A local authority and the Secretary of State in considering for the purposes of subsection (1)(a) above whether land is suitable for development, re-development or improvement shall have regard—

- (a) to the provisions of the development plan, so far as material;
- (b) to whether planning permission for any development on the land is in force; and
- (c) to any other consideration which, on an application for planning permission for development of the land, would be material for the purpose of determining that application.

- (1B) Where a local authority exercise their powers under subsection (1) above in relation to any land, they shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily—

- (a) any land adjoining that land which is required for the purposes of executing works for facilitating its development or use; or
- (b) where the land forms part of a common or open space, any land which is required for the purpose of being given in exchange for the land which is being acquired.

- (1C) It is immaterial by whom the local authority propose any activity or purpose mentioned in subsection (1) or (1B)(a) above is to be undertaken or achieved

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(and in particular the local authority need not propose to undertake that activity or achieve that purpose themselves).”.

- (5) Where a compulsory purchase order has been made or missives have been entered into for the acquisition of land before the passing of this Act, sections 102 and 109 of the Town and Country Planning (Scotland) Act 1972 shall continue to apply as they applied immediately before the passing of this Act which shall for this purpose be treated as not having been passed.
- (6) In section 113(6) of that Act after the words “section 102(1)(a)”, the words “to (c)” shall be omitted.
- (7) In section 183(2)(d) of that Act (grounds of objection to blight notice) after the words “that” (where it first appears) there shall be inserted the words “ (in the case of land falling within paragraph (a) or (c) but not (e), (f) or (h) of section 181(1) of this Act) ” and for “ten” there shall be substituted “ fifteen ”.
- (8) Subsection (7) above does not apply to a counter notice served under the said section 183 before the passing of this Act.
- (9) Section 87 above extends to Scotland, and this section extends to Scotland only but, subject to that, this Part of this Act does not extend to Scotland.

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

**C83** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M58** 1972 c. 52.

**M59** 1972 c. 52.

## PART X

### LAND HELD BY PUBLIC BODIES

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

**C84** Pt. X (ss. 93-100): power to apply conferred (1.9.1997) by 1997 c. 50, s. 44(1), Sch. 4 para. (d)(ii); S.I. 1997/1930, art. 3

## 93 Public bodies to whom Part X applies.

- (1) This Part if this Act applies to any body for the time being specified in Schedule 16 to this Act.
- (2) The Secretary of State may by order made by statutory instrument amend Schedule 16 to this Act—
  - (a) by adding an entry naming a public body not for the time being specified in Schedule 16;

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- (b) by amending or delting any entry for the time being contained in the Schedule.
- (3) A statutory instrument containing an order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Before making an order under subsection (2) above, the Secretary of State shall send written notification that he proposes to make the order to any body to whom this Part of this Act would apply by virtue of the order.
- (5) Any body specified in a notification under subsection (4) above may make representations to the Secretary of State within a period of 42 days from the date of the notification.
- (6) Where the Secretary of State has sent a notification under subsection (4) above to a body, he may not make the order to which the notification relates until the expiration of the period specified in subsection (5) above.

#### 94 Areas in which Part X is to operate.

- (1) This Part of this Act shall come into operation in accordance with subsection (2) below.
- (2) The Secretary of State may by order made by statutory instrument direct that this Part of this Act shall come into operation in the area of any district council or London borough council specified in the order.
- (3) A statutory instrument containing an order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The City of London shall be treated for the purposes of this section as if it were a London borough and as if the Common Council were the council of that borough.

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

**C85** Power of appointment conferred by s. 94(2) fully exercised as regards England by [S.I. 1981/194](#), 1251, 1618 and fully exercised as regards Wales by [S.I. 1983/94](#) and [S.I. 1984/1493](#)

#### 95 Registration of land holdings.

- (1) The Secretary of State may compile and maintain a register, in such form as he may think fit, of land which satisfies the conditions specified in subsection (2) below.
- (2) The conditions mentioned in subsection (1) above are—
  - (a) that a freehold or leasehold interest in the land is owned by a body to which this Part of this Act applies or a subsidiary of such a body;
  - (b) that it is situated in an area in relation to which this Part of this Act is in operation or is not so situated but adjoins other land which is so situated and in which a freehold or leasehold interest is owned by a body to which this Part of this Act applies or a subsidiary of such a body; and
  - (c) that in the opinion of the Secretary of State the land is not being used or not being sufficiently used for the purposes of performance of the body's functions or of carrying on their undertaking.
- (3) The Secretary of State may enter on the register any such land satisfying the conditions specified in subsection (2) above as he may think fit.

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- (4) The Secretary of State may also enter on the register any Crown land situated in an area in relation to which this Part of this Act is on operation or not so situated but adjoining other Crown land which is so situated.
- (5) The information to be included in the register in relation to any land entered on it shall be as the Secretary of State thinks fit.
- (6) In this section “Crown land” means land belonging to a government department or to a body who perform their functions on behalf of the Crown or held on trust for Her Majesty for the purposes of a government department; and in this subsection “government department” includes any Minister of the Crown.

## **96 Public access to information.**

- (1) The Secretary of State shall send to a council in respect of whose area a register is maintained under section 95 above—
  - (a) a copy of that register; and
  - (b) such amendments to it as he may from time to time consider appropriate.
- (2) It shall be the duty of a council to whom amendments to a register are sent under subsection (1)(b) above to incorporate the amendments in their copy of the register,
- (3) A copy of the register sent to a council under this section shall be available at the council’s principal office for inspection by any member of the public at all reasonable hours.
- (4) If any member of the public requires a council to supply him with a copy of the information contained in such a copy of a register, the council shall supply him with a copy of that information on payment of such reasonable charge for making it as the council may determine.

## **[<sup>F172</sup>96A Information about entries.**

- (1) Where land is entered on a register under section 95(3) above, the Secretary of State shall as soon as is reasonably practicable after entering the land send a copy of the information included in the register in relation to the land to any body to whom this Part of this Act applies, if it appears from the register that the body or a subsidiary of the body owns a freehold or leasehold interest in the land.
- (2) Where land is entered on a register under section 95(3) above and the Secretary of State amends the information included in the register in relation the land, he shall soon as is reasonably practicable after amending the information send a copy of the amended information to any body to whom this Part of this Act applies, if it appears from the register that the body or a subsidiary of the body owns a freehold or leasehold interest in the land.
- (3) The fact that the Secretary of State must send anything to a council under section 96 above does not displace any duty of his to send anything to the council under subsection (1) or (2) above.
- (4) Subsection (5) below applies where a copy sent under subsection (1) or (2) above has been received by a body.

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- (5) If at any time the body becomes aware that any information in the only or the latest copy received by them is or has become inaccurate, they shall as soon as is reasonably practicable after becoming so aware inform the Secretary of State that the information is inaccurate and give him (so far as they are able) the corrected information.
- (6) Subsection (5) above does not apply if, when the body becomes so aware, the land concerned is no longer entered on a register under section 95(3) above.]

#### Textual Amendments

**F172** S. 96A inserted (*prosp.*) by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(3), **Sch. 5 para. 2**

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

**C86** S. 96A(1) modified (*prosp.*) by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(3), **Sch. 5 para. 2(2)**

### [<sup>F173</sup>97 Secretary of State's power to require information.

- (1) The Secretary of State may direct a body to whom this Part of this Act applies to inform him whether the body or a subsidiary of the body holds a freehold or leasehold interest in land which is specified or is of a description specified, in the direction.
- (2) A body need only to comply with a direction under subsection (1) above as regards land which is situated in an area in relation to which this Part of this Act is in operation.
- (3) Where a body to whom this Part of this Act applies or a subsidiary of such a body holds a freehold or leasehold interest in land situated in an area in relation to which this Part of this Act is in operation, the Secretary of State may direct the body to whom this Part of this Act applies to give him such information about the land as he may specify.]

#### Textual Amendments

**F173** S. 97 substituted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), **Sch. 5 para. 3**

### 98 Disposal of land at direction of Secretary of State.

- (1) The Secretary of State may direct a body to whom this Part of the is Act for the time being applies—
  - (a) to take steps for the disposal of the interest held by them in any land which [<sup>F174</sup>for the time being satisfies the conditions specified in section 95(2) above] or any lesser interest in such land; or
  - (b) to ensure that a subsidiary of theirs takes steps for the disposal of the interest held by the subsidiary in any land which [<sup>F175</sup>for the time being satisfies those conditions] or any lesser interest in such land,
 being, in either case, steps which it is necessary to take to dispose of the interest and which it is in their power to take.
- (2) A direction under this section may specify the steps to be taken for the disposal of an interest in land and the terms and conditions on which an offer to dispose of it is to made.

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- [<sup>F176</sup>(2A) A direction under this section may include provision that no disposal of an interest to which the direction relates shall, while the direction remains unrevoked, be made in favour of a person or body who—
- (a) is specified, or is of a description specified, in the direction, and
  - (b) is at the date the disposal is proposed to be made associated with the body to whom the direction is given.]
- (3) A direction under this section may be varied or revoked by a further direction.
- (4) The power to give directions conferred by this section is in addition to and not in derogation from any such power to the grant of an interest in land.
- (5) In this section and section 99 below references to the disposal of an interest in land include references to the grant of an interest in land.
- [<sup>F177</sup>(6) In subsection (2A) above references to a disposal of interest include references to a contract to dispose of an interest, and references to making a disposal include references to entering into such a contract.
- (7) For the purposes of subsection (2A) above a person is associated with a body if (but only if)—
- (a) he is a member of the body or of a subsidiary of the body, or
  - (b) he is a nominee of the body or of a subsidiary of the body.
- (8) For the purposes of subsection (2A) above a body is associated with another body if (but only if)—
- (a) the other body, or a subsidiary of the other body, is a member of it,
  - (b) any of its members is also a member of the other body or of a subsidiary of the other body, or
  - (c) any of its members is a nominee of the other body or of a subsidiary of the other body
- (9) Notwithstanding section 100(1) below, in subsections (7) and (8) above “subsidiary” has the same meaning as in section 736(1) of the <sup>M60</sup>Companies Act 1985.]

#### Textual Amendments

**F174** Words in s. 98(1)(a) substituted (11.10.1993) by 1993 c. 28, s. 176(1)(a); S.I. 1993/2134, art.4

**F175** Words in s. 98(1)(b) substituted (11.10.1993) by 1993 c. 28, s. 176(1)(b); S.I. 1993/2134, art. 4

**F176** S. 98(2A) inserted by Local Government Act 1988 (c. 9, SIF 81:1), s. 31(2), Sch. 5 para. 4(2)

**F177** S. 98(6)–(9) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), Sch. 5 para. 4(3)

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

**C87** S. 98(3) restricted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), Sch. 5 para. 4(4)

#### Marginal Citations

**M60** 1985 c. 6 (27).

## 99 Directions to dispose of land– supplementary.

- (1) Before giving a direction to a body under section 98 above, the Secretary of State shall give them notice of his proposal to give the direction and of its proposed contents.

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- (2) A body who receives a notice under subsection (1) above may make representations to the Secretary of State as to why the proposed direction should not be given or as to its proposed contents.
- (3) If the body do not make such representations within a period of 42 days from the date of the notice or within such longer period as the Secretary of State may in any particular case allow, the Secretary of State may give the direction as proposed.

(4) If—

- (a) a county council;
- [<sup>F178</sup>(aa) a county borough council;]
- (b) a district council;
- (c)
- [<sup>F179</sup>(d) a London borough council or the Common Council of the City of London;
- [<sup>F180</sup>(da)
- [<sup>F181</sup>(db) a joint authority established by Part IV of the Local Government Act 1985;]
- [<sup>F182</sup>(dc) a police authority established under [<sup>F183</sup>section 3 of the Police Act 1996];]
- (e) the Commission for the New Towns, a development corporation established under the [<sup>F184M61</sup>New Towns Act 1981] or an urban development corporation established under this Act; or
- (f) any authority, body or undertakers in relation to whom the Secretary of State is the appropriate Minister,

have made representations under subsection (2) above, the Secretary of State may not give a direction unless he is satisfied that the interest to which the direction would relate can be disposed of in the manner in which and on the terms and conditions on which he proposes that it shall be disposed of without serious detriment to the performance of their functions or the carrying out of their undertaking.

- (5) If any other body to whom this Part of this Act applies have made such representations, the Secretary of State may not give a direction unless the appropriate Minister certifies that the interest to which the direction would relate can be disposed of in the manner in which and on the terms and conditions on which he proposes that it shall be disposed of without serious detriment to the performance of their functions of the carrying on of their undertaking.

[<sup>F185</sup>(5A) The Secretary of State need not give notice under subsection (1) above as regards a further direction revoking a previous direction given under section 98 above;

(5B) The Secretary of State need not give notice under subsection (1) as regards a further direction varying a previous direction given under section 98 above if—

- (a) the variation consists only of one which omits part of the land to which the previous direction relates, or
- (b) the variation is stated in the further direction to consist only of one which is made to take account of a representation of the body to whom the previous direction was given.

(5C) The contents of a direction under section 98 above may differ from its proposed contents contained in a notice given under subsection (1) above if—

- (a) the difference consists only of a variation which omits part of the land referred to in the proposed contents, or



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- (b) the difference is stated in the direction to consist only of a variation which is made to take account of a representation of the body to whom the notice was given;
- and the words “as proposed” in subsection (3) above shall have effect accordingly.
- (5D) The Secretary of State may by order made by statutory instrument substitute a period specified in the order for the period of 42 days specified in subsection (3) above or for such other period as is for the time being specified in that subsection by virtue of an order under this subsection.
- (5E) No order under subsection (5D) above may substitute a period as regards a notice given before the coming into force of the order.]
- (6) In this section “the appropriate Minister”—
- (a) in relation to any body who are statutory undertakers for the purposes of any provision of Part XI of [<sup>F186</sup>the Town and Country Planning Act 1990], shall have the same meaning as in that Part of that Act, and
  - (b) in relation to any other body, shall have the meaning given by an order under this [<sup>F187</sup>subsection] section made by statutory instrument by the Secretary of State with the concurrence of the Treasury.
- (7) A statutory instrument containing an order under subsection [<sup>F188</sup>(5D) or] (6) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F178** S. 99(4)(aa) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 57(5)** (with ss. 54(5)(7), 55(5), Sch. 7 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**
- F179** S. 99(4)(c) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F180** S. 99(4)(da),(db) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 59(l)**  
(f)
- F181** S. 99(4)(da) repealed (1.4.1990) by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237, **Sch. 13 Pt. I**
- F182** S. 99(4)(dc) inserted (1.10.1994 for certain purposes and 1.4.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 21**; S.I. 1994/2025, art. 6(1)(2)(6); S.I. 1994/3262, art. 4, **Sch.**
- F183** Words in s. 99(4)(dc) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. I para. 1(2)**  
(p)
- F184** Words substituted by New Towns Act 1981 (c. 64, SIF 123), s. 81, **Sch. 12 para. 28(c)**
- F185** S. 99(5A)–(5E) inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), **Sch. 5 para. 5(2)**  
(5)
- F186** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(2)**
- F187** Word substituted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), SSch. 5 para. 5(3)
- F188** Words inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), **Sch. 5 para. 5(4)**

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

- C88** S. 99(4) extended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 15**
- C89** S. 99(4) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 25(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C90** S. 99(4)(db) amended by S.I. 1985/1884, art 10, **Sch. 3 para. 4(5)**
- C91** “Appropriate Minister” explained S.I. 1981/15

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### Marginal Citations

**M61** 1981 c. 64. (123:3).

## [<sup>F189</sup>99A Power of entry.

- (1) A person duly authorised in writing by the Secretary of State may at any reasonable time enter any land for the purpose of helping the Secretary of State to decide whether to give a direction under section 98 above in relation to the land.

<sup>F190</sup>(2) . . . . .

- (3) A person may not enter land under this section unless at least 21 clear days' notice in writing of the intended entry has been given to every person who is an owner or occupier.

- (4) In this section "owner", in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding, or entitled to the rents and profits of, the land under a lease or agreement.]

### Textual Amendments

**F189** S. 99A inserted by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 31(2), **Sch. 5 para. 6**

**F190** S. 99A(2) repealed (11.10.1993) by 1993 c. 28, ss. 176(2), 187(2), **Sch.22**; S.I. 1993/2134, **art.4**

## 100 Interpretation and extent of Part X.

- (1) In this Part of this Act—

“subsidiary”, in relation to a body to whom this Part of this Act applies, means a wholly-owned subsidiary of that body; and

“wholly-owned subsidiary” [<sup>F191</sup>as defined by section 736][<sup>F192</sup>of the <sup>M62</sup>Companies Act 1985].

- (2) This Part of this Act extends to England and Wales only.

### Textual Amendments

**F191** Words substituted by Companies Act 1989 (c. 40, SIF 27), s. 144(4), **Sch. 18 para. 24**

**F192** Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**

### Marginal Citations

**M62** 1985 c. 6 (27).

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## PART XI

### COMMUNITY LAND ACT

#### 101 Repeal.

- (1) The <sup>M63</sup>Community Land Act 1975 shall cease to have effect in accordance with Schedule 17 below.
- (2) This section and Schedule 17 below shall not extend to Northern Ireland (except so far as they repeal any enactment so extending).

#### Marginal Citations

**M63** 1975 c. 77.

## PART XII

### THE LAND AUTHORITY FOR WALES

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

- C92** Pt. XII (ss. 102–111) extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xxviii)**; S.I. 1996/218, **art. 2**
- C93** Pt. XII extended by Gas Act 1986 (c. 44, SIF 44), s. 67(1)(3), Sch. 7 para. 2(1)(xxxix), **Sch. 8 para. 33**
- C94** Pt. XII (ss. 102–111) extended (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 1(2)(xxiv)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- C95** Pt. XII (ss. 102–111), Pt. XVI (ss. 134–172) extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 1(1)(xxxiv)** (with s. 112(3), Sch. 17 paras. 33, 35(1))

#### *The Authority*

#### 102 The Authority.

- (1) There shall continue to be a Land Authority for Wales.
- (2) On the passing of this Act, the provisions of this Part of this Act shall apply to the Authority and, subject to those provisions, the Community Land Act 1975 shall cease to apply to the Authority.
- (3) Schedule 18 below shall have effect with respect to the Authority.
- (4) The Authority shall comply with any directions the Secretary of State may give requiring it to do one or both of the following:—
  - (a) perform its functions in particular circumstances (whether or not the circumstances have arisen at the time of the direction);
  - (b) perform its functions in a particular way.

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- (5) The Authority shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown; and its property shall not be regarded as property of, or property held on behalf of, the Crown.

### Functions

#### 103 The Authority's functions.

- (1) The Authority shall have the function of acquiring land in Wales which in its opinion needs to be made available for development, and of disposing of it to other persons (for development by them) at a time which is in the Authority's opinion appropriate to meet the need.
  - (2) Before it acquires the land, the Authority shall—
    - (a) consider whether the land would or would not in its opinion be made available for development if the Authority did not Act,
    - (b) consider the fact that planning permission has or has not been granted in respect of the land or is likely or unlikely to be granted,
    - (c) in a case where no planning permission has been granted in respect of the land) consult <sup>F193</sup>—
      - (i) the council of any county or county borough in which the land, or any part of the land, is situated, <sup>F194</sup> . . .
      - (ii) the joint planning board (if any) for the area in which the land, or any part of the land, is situated,]and consider their views, <sup>F195</sup>and
      - (iii) any National Park authority which is the local planning authority for a National Park in which the land, or any part of the land, is situated]
    - (d) consider the needs of those engaged in building, agriculture and forestry and of the community in general.
  - (3) Where the Authority acquires land, then, before it is disposed of—
    - (a) the Authority may (with the Secretary of State's consent) execute works in respect of the land where it is of opinion that it is expedient to do so with a view to the subsequent disposal of the land to other persons for development by them, and
    - (b) the Authority shall manage and turn to account the land pending its disposal to other persons for development by them.
  - (4) The works mentioned in subsection (3) above, include engineering works and works for the installation or roads, drains, sewers, gas supplies and electricity supplies, but do not include works consisting of the erection of buildings.
  - (5) If requested to do so by a public authority (within the meaning of Schedule 19 below) the Authority may advise the authority about disposing of any of the authority's land in Wales to other persons (for development by them), and may assist the authority to dispose of the land.
- <sup>F196</sup>(6) The council of a county or county borough in Wales which makes an assessment of land in its area which is, in its opinion, available and suitable for development may be assisted by the Authority in making that assessment.

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- (6A) A joint planning board in Wales which makes an assessment of land in its district which is, in its opinion, available and suitable for development may be assisted by the Authority in making that assessment.]
- (7) The Authority may charge a reasonable fee for any advice or assistance under subsection (5) [<sup>F197</sup>(6) or (6A)] above.
- (8) A county [<sup>F198</sup>council, county borough council or joint planning board] in Wales shall have power to enter into, and carry out, an agreement with the Authority whereby the council [<sup>F199</sup>or board] will, as agents of the Authority, perform any service or execute any works which the Authority could perform or execute by virtue of this Act.
- [<sup>F200</sup>(8A) Subsections (6)–(8) above shall have effect as if any reference to a council included a reference to a National Park authority for a National Park in Wales and the references to the area of a council were to be construed accordingly..]
- (9) The Authority shall, without prejudice to its powers apart from this subsection, have power to do anything to facilitate, or anything which is conducive or incidental to, the performance of any of the Authority's functions.

#### Textual Amendments

- F193** Words in s. 103(2)(c) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 58(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F194** Word in s. 103(2)(c) repealed (1.4.1996) by 1995 c. 25, ss. 78, 120(3), Sch. 10 para. 20(1)(a), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1995/2950, **art. 3**
- F195** S. 103(2)(c)(iii) and word preceding it inserted (1.4.1996) by 1995 c. 25, s. 78, **Sch. 10 para. 20(1)(a)** (with ss. 7(6), 115, 117); S.I. 1995/2950, **art. 3**
- F196** S. 103(6)(6A) substituted (1.4.1996) for s. 103(6) by 1994 c. 19, s. 66(6), **Sch. 16 para. 58(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F197** Words in s. 103(7) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 58(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 4**
- F198** Words in s. 103(8) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 58(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 4**
- F199** Words in s. 103(7) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 58(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 4**
- F200** S. 103(8A) inserted (1.4.1996) by 1995 c. 25, s. 78, **Sch. 10 para. 20(1)(b)** (with ss. 7(6), 115, 117); S.I. 1995/2950, **art. 3**

### Acquisition of land

#### 104 Power of acquisition.

- (1) The Authority—
- shall have power to acquire by agreement, or
  - by being authorised to do so by the Secretary of State shall have power to acquire compulsorily,
- any land which, in the Authority's opinion, is suitable for development.
- (2) Where the Authority exercises or has exercised its powers under subsection (1) above in relation to any land, it shall have power to acquire by agreement or on

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being authorised to do so by the Secretary of State shall have power to acquire compulsorily—

- (a) any land adjoining that land which is required for the purpose of executing works for facilitating its development or use;
- (b) where that land forms part of a common or open space or fuel or field garden allotment, any land which is required for the purpose of being given in exchange therefor;
- (c) new rights over land (that is, rights not previously in existence) required for the purpose of exercising the Authority's functions.

(3) The [<sup>F201</sup>1981] Act shall apply in relation to the compulsory acquisition of land in pursuance of this section <sup>F202</sup>

(4) Schedule 20 below, in which—

- (a) Part I modifies the [<sup>F201</sup>1981] Act as applied by subsection (3) above,
- (b) Part II deals with the acquisition of land by agreement, and
- (c) Part III contains supplemental provisions as respects land acquired under this section,

shall have effect.

#### Textual Amendments

**F201** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 4 para. 30(2)**

**F202** Words repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**

<sup>F203</sup>**105** .....

#### Textual Amendments

**F203** [Ss. 105, 158](#) repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), **Sch. 27 Pt. I** (with [ss. 58\(7\), 101\(1\), 141\(6\), 160\(1\)\(2\)\(4\), 163, 189\(4\)–\(10\), 190, 193\(1\), Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#))

### Miscellaneous

#### **106 Further provisions.**

The further provisions contained in Schedule 21 below (provisions about finance, accounts, records, information, etc. in relation to the Authority) shall have effect.

#### **107 Financial provisions.**

- (1) Any expenses of the Secretary of State under this Part of this Act shall be paid out of money provided by Parliament.
- (2) Any sum paid to the Secretary of State under this Part of this Act shall except as otherwise expressly provided, be paid into the Consolidated Fund.

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## 108 Interpretation: statutory undertakers etc.

- (1) In this Part of this Act, unless the context otherwise requires, “statutory undertakers” 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 <sup>F204</sup> <sup>F205</sup> <sup>F206</sup>hydraulic power or water<sup>F206</sup> or hydraulic power]
  - (b) . . . <sup>F207</sup> the Civil Aviation Authority, <sup>F208</sup> . . .], the Post Office and any other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for any of the purposes of <sup>F209</sup>the 1990 Act], and
  - (c) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph,
- and “statutory undertaking” shall be construed accordingly.
- (2) In this Part of this Act the expression “the appropriate Minister”, and any reference to the Secretary of State and the appropriate Minister—
- (a) in relation to any statutory undertakers who are also statutory undertakers for the purposes of any provision of Part XI of <sup>F209</sup>the 1990 Act], shall have the same meanings as in the said Part XI, and
  - (b) in relation to any other statutory undertakers, shall have the meanings given by an order made by the Secretary of State under this subsection.
- (3) If, in relation to anything required or authorised to be done under this Part of this Act, 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.
- (4) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### Textual Amendments

**F204** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(4), **Sch. 18** (with s. 112(3), Sch. 17 para. 35(1))

**F205** Words repealed by Gas Act 1986 (c. 44, SIF 44), s. 67(4), **Sch. 9 Pt. I**

**F206** Words “or hydraulic power” substituted (E.W.) for “hydraulic power or water” by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 61(3)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

**F207** Words repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**

**F208** S. 108: words in para.(b) in definition of

“statutory undertakers”

repealed (31.10.1994) by 1994 c. 21, s. 67, Sch. 9 para. 25(1), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

**F209** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(3)**

## 109 Interpretation: general.

In this Part of this Act, unless the context otherwise requires, the following expressions have the following meanings:—



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“agriculture” has the meaning assigned to it by [<sup>F210</sup>section 336 of the 1990 Act]

“the Authority” means the Land Authority for Wales;

“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green;

“development” has the meaning assigned to it by [<sup>F211</sup>section 55 of the 1990 Act] and cognate expressions shall be construed accordingly;

“disposing” includes disposing by sale, exchange or lease and, in the case of a lease, by grant or assignment, and cognate expressions shall be construed accordingly;

“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

“land” means any corporeal hereditament, including a building and includes an interest in or right over land;

“lease” includes an underlease or sublease and an agreement for a lease, underlease or sublease, but does not include an option to take a lease or a mortgage;

[<sup>F212</sup>“the 1981 Act” means the <sup>M64</sup>Acquisition of Land Act 1981;]

[<sup>F213</sup>“the 1990 Act” means the Town and Country Planning Act 1990;]

“the 1975 Act” means the <sup>M65</sup>Community Land Act 1975;

“open space” means any land laid out as a public garden or used for the purposes of public recreation, or land which is a disused burial ground.

#### Textual Amendments

**F210** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(4\)\(a\)](#)

**F211** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(4\)\(b\)](#)

**F212** Definition substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34, Sch. 4 para. 30\(3\)](#)

**F213** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(4\)\(c\)](#)

#### Marginal Citations

**M64** [1981 c. 67 \(28:1\)](#).

**M65** [1975 c. 77](#).

## 110 Supplementary.

The supplementary provisions (including savings and transitional provisions) in Schedule 22 below shall have effect.

## 111 Extent.

This Part of this Act (except paragraph 15 of Schedule 22) does not extend to Scotland or Northern Ireland.

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## PART XIII

### LAND COMPENSATION

#### 112 Claims for compensation for depreciation.

- (1) Part I of the Act of 1973 and Part I of the Scottish Act of 1973 shall be amended as follows.
- (2) In section 3(2) of each Act (no claim under Part I shall be made otherwise than in the claim period, that is to say, the period of two years beginning on the expiration of twelve months from the relevant date) for the words from “otherwise than” onwards there shall be substituted the words “before the expiration of twelve months from the relevant date; and the day next following the expiration of the said twelve months is in this Part of this Act referred to as “the first claim day”. ”.
- (3) In section 1(1)(b) of each Act for the words “within the time limited” there shall be substituted the words “after the time provided”.
- (4) In sections 3(3), 4(1) and (2), 12(4) and (5), 16(2) and 18(1) of the Act of 1973 and sections 3(3), 4(1) and 92) and 16 of the Scottish Act of 1973 for the words “the beginning of the claim period” or “the first day of the claim period” wherever they occur, there shall be substituted the words “the first claim day” and in section 16(2) of the Act of 1973 and section 14(2) of the Scottish Act of 1973 for the words “the beginning of that period” there shall be substituted the words “that day”.
- (5) In section 19(1) of the Act of 1973 and section 17(1) of the Scottish Act of 1973 the definition of “the claim period” shall be omitted and immediately before the definition of “highway” there shall be inserted the following definition—  

““the first claim day” has the meaning given in section 3(2) above;”.
- (6) After section 19(2) of the Act of 1973 there shall be inserted the following subsection—  

“(2A) For the purposes of the Limitation Act 1939, a person’s right of action to recover compensation under this Part of this Act shall be deemed to have accrued on the first claim day.”.
- (7) After section 17(2) of the Scottish Act of 1973 there shall be inserted the following subsection—  

“(2A) Section 6 of the Prescription and Limitation (Scotland) Act 1973 (extinction of obligations by prescriptive periods of five years) shall apply to an obligation to make compensation under this Part of this Act, and in relation to such an obligation the appropriate date for the purposes of subsection (1) of the said section 6 shall be the first claim day.”.
- (8) In section 19(3) of the Act 1973 and section 17(3) of the Scottish Act of 1973 the words from “but, if it does” onwards shall be omitted.
- (9) Part I of each Act shall have effect without amendments made by the preceding provisions of this section in cases where the relevant date was more than three years before the passing of this Act.

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

**C96** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### **113 Claims for compensation for depreciation which are out of time on commencement date.**

- (1) This section applies to any claim which is made under Part I of the Land Compensation Act on or after the commencement date where—
  - (a) the claim period for the claim has expired, or an event before which the claim should have been made has occurred, before that date; and
  - (b) the public works to which the claim relates are a highway in respect of which the Minister or, in England, the Secretary of State was the appropriate highway authority; and
  - (c) the Minister is satisfied that the publicity given to the right to claim compensation in respect of those works and to the period within which and the events before which claims should be made was not such as to make potential claimants sufficiently aware of those matters.
- (2) Where the claim period for a claim to which this section applies has expired before the commencement date, the Minister shall direct that Part I of the Land Compensation Act shall have effect—
  - (a) as if the claim had been made on the first day of the last twelve months of that period; and
  - (b) where the claimant's qualifying interest was acquired as mentioned in section 11 of the Land Compensation Act (interests acquired by inheritance) on or after that day, as if it had been so acquired before that day.
- (3) Where the person who makes a claim to which this section applies has on or after 23rd June 1973 and before the commencement date—
  - (a) disposed of the qualifying interest in respect of which the claim is made; or
  - (b) in the case of a qualifying interest in land which is not a dwelling, granted a tenancy of the land so that the interest remaining to him is not a qualifying interest; or
  - (c) in the case of a qualifying interest which is a qualifying tenancy within the meaning of section 12 of the Act of 1973, disposed of the freehold or extended lease acquired by him under Part I of the <sup>M66</sup>Leasehold Reform Act 1967,

the Minister shall direct that Part I of the Land Compensation Act shall have effect as if the claim had been made on the day before the disposal or, as the case may be, the granting of the tenancy.
- (4) Where the person who makes a claim to which this section applies has on or after 17th October 1972 and before 23rd June 1973—
  - (a) disposed of the qualifying interest in respect of which the claim is made; or
  - (b) in the case of a qualifying interest in land which is not a dwelling, granted a tenancy of the land so that the interest remaining to him is not a qualifying interest,

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the Minister shall direct that Part I of the Land Compensation Act shall have effect as if the claim had been made on 23rd December 1973.

- (5) Where the qualifying interest in respect of which a claim to which this section applies is made is a tenancy granted or extended for a term of years certain or, in Scotland, for a period of which—

- (a) three years or more remained unexpired on the first day of the claim period or, as the case may be, the first claim day; and
- (b) less than three years remains unexpired on the commencement date,

the Minister shall direct that Part I of the Land Compensation Act shall have effect as if the claim had been made on the day on which three years of that term or period remained unexpired.

- (6) In the case of a claim to which both subsection (2) and subsection (3) or subsection (5) above apply, the Minister shall direct that Part I of the Land Compensation Act shall have effect as if the claim had been made on whichever of the days mentioned in those two subsections is the earlier.

- (7) Any notice of a claim to which subsection (3), (4) or (5) above applies shall specify, in addition to the matters mentioned in section 3 of the Land Compensation Act, the date of the disposal, the date of the granting of the tenancy or, as the case may be, the date on which three years of the term or period remained unexpired.

- (8) Section 8(1) of the Land Compensation Act (compensation payable once only in respect of the same works and the same land) shall have effect in relation to any claim to which this section applies as if any ex gratia payment made by the Minister or, as the case may be, the Secretary of State in respect of a claim which—

- (a) was made before the commencement date in relation to the same works and the same land; and
- (b) was disallowed on the ground that the claim period for the claim had expired, or an event before which the claim should have been made had occurred, before the day on which the claim was made,

had been a payment of compensation on that claim.

- (9) Where compensation is payable on a claim to which this section applies, the compensation shall not carry interest under section 18(1) of the Act of 1973 or, as the case may be, section 16 of the Scottish Act of 1973 for the period beginning with the commencement date and ending with the date on which the claim is made unless either that period is a period of not more than six months or—

- (a) the claimant had made a similar claim before the commencement date; and
- (b) that claim was disallowed on the ground that the claim period for the claim had expired, or an event before which the claim should have been made had occurred, before the day on which the claim was made.

- (10) For the purposes of the <sup>M67</sup>Limitation Act 1939, a person's right of action to recover compensation under Part I of the Act of 1973 on a claim to which this section applies shall be deemed to have accrued on the commencement date, and not, in any case to which section 19(2A) of the Act of 1973 applies, the first claim day.

- (11) Section 6 of the <sup>M68</sup>Prescription and Limitation (Scotland) Act 1973 (extinction of obligations by prescriptive periods of five years) shall apply to an obligation to make compensation under Part I of the Scottish Act of 1973 arising on a claim to which this section applies, and in relation to such an obligation the appropriate date for the

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purposes of subsection (1) of the said section 6 shall be the commencement date, and not, in any case to which section 17(2A) of the said Scottish Act of 1973 applies, the first claim day.

(12) In this section—

“commencement date” means the date of the passing of this Act;

“the Minister” means the Minister of Transport in relation to England and the Secretary of State in relation to *Scotland and Wales*.

(13) This section—

- (a) in its application to England and Wales, shall be construed as one with Part I of the Act of 1973; and
- (b) in its application to Scotland, shall be construed as one with Part I of the Scottish Act of 1973.

#### Marginal Citations

**M66** 1967 c. 88(75:1).

**M67** 1939 c. 21.

**M68** 1973 c. 52.

## 114 Claims for home loss payments.

- (1) Section 32 of the Act of 1973 and section 29 of the Scottish Act of 1973 (home loss payments) shall be amended as follows.

<sup>F214</sup>(2) .....

- (3) In subsection (4) of each section for the words from the beginning to “expiration of that period” there shall be substituted the words “ Where a person (“the deceased”) entitled to a home loss payment dies without having claimed it, a claim to the payment may be made ”.

- (4) After subsection (7) of the said section 32 there shall be inserted the following subsection—

“(7A) For the purposes of the Limitation Act 1939 a person’s right of action to recover a home loss payment shall be deemed to have accrued on the date of the displacement.”.

- (5) After subsection (7) of the said section 29 there shall be inserted the following subsection—

“(7A) Section 6 of the Prescription and Limitation (Scotland) Act 1973 (extinction of obligations by prescriptive periods of five years) shall apply to an obligation to make a home loss payment, and in relation to such an obligation the appropriate date for the purposes of subsection (1) of the said section 6 shall be the date of the displacement.”.

- (6) Each section shall have effect without the amendments made by the preceding provisions of this section in cases where the date of displacement was more than six months before the passing of this Act.

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### Textual Amendments

**F214** S. 114(2) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1, 123:2\)](#), s. 84(6), [Sch. 19](#), Pts. III, IV (with s. 84(5)); S.I. 1991/2092, [art.3](#), [Sch](#); S.I. 1991/2067, [art.3](#)

### Modifications etc. (not altering text)

**C97** The text of s. 114 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 115 Interpretation of Part XIII.

In this Part of this Act—

“the Act of 1973” means the <sup>M69</sup>Land Compensation Act 1973;

“the Scottish Act of 1973” means the <sup>M70</sup>Land Compensation (Scotland) Act 1973;

“the Land Compensation Act” means the Act of 1973 in relation to England and Wales and the Scottish Act of 1973 in relation to Scotland.

### Marginal Citations

**M69** 1973 c. 26 (28:1).

**M70** 1973 c. 56 (28:2).

## PART XIV

### LAND—MISCELLANEOUS

#### *Development land*

## 116 Assessment of development land.

- (1) If the Secretary of State directs an authority to do so, it shall make an assessment of land which is in its area and which is in its opinion available and suitable for development for residential purposes.
- (2) In connection with any assessment under subsection (1) above, the authority shall comply with such directions as the Secretary of State may give.
- (3) In particular, he may give directions about any consultations to be made prior to the assessment (whether with other authorities or with builders or developers or other persons), about the way any consultation is to be made, and about producing reports of assessments and making copies of the reports available to the public, and directions that an authority is to make the assessment alone or jointly with another authority or authorities.
- (4) The following are authorities for the purposes of this section, namely—
  - (a) (in the application of the section to England <sup>F215</sup>. . .) the councils of counties, districts and London boroughs <sup>F216</sup>

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- [<sup>F217</sup>(aa) (in the application of the section to Wales) the councils of counties and county boroughs;]  
(b) (in the application of the section to Scotland) regional, general and district planning authorities.

#### Textual Amendments

**F215** Words in s. 116(4)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 59(1), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F216** Words repealed by Local Government Act 1985 (c. 51, SIF 81), s. 102, **Sch. 17**

**F217** S. 116(4)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 59(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

<sup>F218</sup>**117** .....

#### Textual Amendments

**F218** S. 117 repealed by Derelict Land Act 1982 (c. 42, SIF 81:1), s. 5, **Sch.**

### *Miscellaneous provisions about land*

## **118 Land miscellaneous amendments.**

Schedule 23 to this Act (which contains miscellaneous amendments about land, including amendments to relax controls) shall have effect.

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

**C98** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>F219</sup>**119** .....

#### Textual Amendments

**F219** Ss. 119, 149(5), 150 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

## **120 Compulsory acquisition: exclusion of special parliamentary procedure.**

- (1) The [<sup>F220</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947] shall apply to any compulsory acquisition of an interest in land where—



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- (a) the notice of the making or preparation in draft of a compulsory purchase order is first duly published on or after [<sup>F221</sup>6th April 1976 (or, in the application of this section to Scotland,] 1st September 1976), and
  - (b) the person acquiring the interest is a [<sup>F220</sup>regional, islands or district council], [<sup>F221</sup>the Peak Park Joint or Lake District Special Planning Board,] any statutory undertakers or a Minister,

subject to the modifications made by this section.
- (2) Paragraph 9 of Schedule 1 to [<sup>F221</sup>the Act of 1946 or, as the case may be] the Scottish Act of 1947 (special parliamentary procedure for acquisitions from local authorities, statutory undertakers and National Trust) shall not apply to the acquisition except where the interest belongs to [<sup>F221</sup>the National Trust or] the National Trust for Scotland.
- (3) [<sup>F221</sup>In this section—
  - “the Acquisition of Land Acts” means the <sup>M71</sup>Acquisition of Land (Authorisation Procedure) Act 1946 and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, and “the Act of 1946” and “the Scottish Act of 1947” mean those Acts respectively;
  - “local authority” means—
    - (a) in relation to England, the council of a county or district, the council of a London borough, the Common Council of the City of London and the Greater London Council,
    - (b) in relation to Wales, the council of a county or district,
    - (c) in relation to Scotland, a [<sup>F222</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994],

and this section applies to the Isles of Scilly, as if the Council of those Isles were the council of a county;]

  - “statutory undertakers” 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 <sup>F223</sup>, <sup>F224</sup>hydraulic power or water,
    - (b) . . . <sup>F225</sup>, the Civil Aviation Authority, [<sup>F226</sup>. . .], the Post Office and any other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for the purposes of [<sup>F221</sup>the <sup>M72</sup>Town and Country Planning Act 1971 or the <sup>M73</sup>Town and Country Planning (Scotland) Act 1972, and]
    - (c) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph.
- (4) An order under paragraph (c) of the definition of “statutory undertakers” in subsection (3) above shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) This section (which re-enacts section 41 of the <sup>M74</sup>Community Land Act 1975 with modifications) shall be taken to have come into force on 12 November 1975 but (in relation to the period before the passing of this Act) shall have effect as if the persons mentioned in subsection (1)(b) above included a new town authority (that is, a development corporation as defined [<sup>F221</sup>in section 2 of the New Towns Act 1965, or] in section 2 of the <sup>M75</sup>New Towns (Scotland) Act 1968) and a joint board established under section 2 of the <sup>M76</sup>Community Land Act 1975, and as if “local authority” meant

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(in relation to Scotland) a regional, general or district planning authority within the meaning of Part IX of the <sup>M77</sup>Local Government (Scotland) Act 1973.

#### Textual Amendments

- F220** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 4 para. 30(4)**
- F221** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**
- F222** [S. 120\(3\)](#): words in para.(c) in definition of  
“local authority”  
substituted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), **Sch. 13 para. 120(5)**; S.I. 1996/323, **art. 4(1)(c)**
- F223** Word repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(4), **Sch. 18** (with s. 112(3), [Sch. 17 para. 35\(1\)](#))
- F224** Words repealed by [Gas Act 1986 \(c. 44, SIF 44\)](#), s. 67(4), **Sch. 9 Pt. I**
- F225** Words repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. I**
- F226** [S. 120\(3\)](#): words in para.(b) in definition of  
“statutory undertakers”  
repealed (31.10.1994) by [1994 c. 21, s. 67, Sch. 9 para. 25\(1\)](#), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

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

- C99** [S. 120](#) extended by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1), **Sch. 16 para. 2(2)(e)(9)** (with s. 112(3), [Sch. 17 paras. 33, 35\(1\)](#))
- C100** [S. 120](#) extended (1.3.1996) by [1995 c. 45, s. 16\(1\)](#), **Sch. 4 para. 2(1)(xxviii)**; S.I. 1996/218, **art. 2**
- C101** [S. 120\(1\)\(b\)](#) extended (1.4.1996) by [1994 c. 39, s. 99\(2\)](#); S.I. 1996/323, **art. 4(1)(a)**, **Sch. 1**

#### Marginal Citations

- M71** [1946 c. 49 \(28:1\)](#).
- M72** [1971 c. 78 \(123:1\)](#).
- M73** [1972 c. 52 \(123:1, 2\)](#).
- M74** [1975 c. 77](#).
- M75** [1968 c. 16 \(123:4\)](#).
- M76** [1975 c. 77](#).
- M77** [1973 c. 65 \(81:2\)](#).

## 121 Certification of appropriate alternative development.

- (1) This section re-enacts section 47 of the Community Land Act 1975 and accordingly shall have effect only in relation to applications, and certificates issued in pursuance of applications, made after 12 December 1975.
- (2) Section 17 of the <sup>M78</sup>Land Compensation Act 1961 and section 25 of the <sup>M79</sup>Land Compensation (Scotland) Act 1963 (certification of appropriate alternative development) shall each continue to be amended in accordance with subsections (2) to (5) of section 47 of the Community Land Act 1975 and, as amended by those subsections, section 49(3) of the said Act of 1963 and section 172(2) of the Local Government (Scotland) Act 1973, shall have effect as set out in Schedule 24 below.

#### Marginal Citations

- M78** [1961 c. 33 \(28:1\)](#).
- M79** [1963 c. 51\(28:2\)](#).

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## 122 Acquisition and disposal of land by the Crown.

- (1) Where, in exercise of the power conferred by section 2 of the <sup>M80</sup>Commissioners of Works Act 1852, <sup>F227</sup> or section 103 of the <sup>M81</sup>Town and Country Planning (Scotland) Act 1972 (acquisition of land necessary for the public service) the Secretary of State has acquired, or proposes to acquire, any land (the “public service land”) and in his opinion other land ought to be acquired together with the public service land—

- (a) in the interests of the proper planning of the area concerned; or
- (b) for the purpose of ensuring that the public service land can be used, or developed and used, (together with that other land) in what appears to the Secretary of State to be the best, or most economic, way; or
- (c) where the public service land or any land acquired, or which the Secretary of State proposes to acquire, by virtue of paragraph (a) or (b) above, forms part of a common or open space or fuel or field garden allotment, for the purpose of being given in exchange therefor,

the said sections 2 <sup>F227</sup>, or as the case may be 103, shall apply to that other land as if its acquisition were necessary for the public service.

In the application of this subsection to Scotland the words “or fuel or field garden allotment” shall be omitted.

- (2) The said sections 2, <sup>F228</sup> and 103 shall be construed and have effect as if references to land necessary for the public service included land which it is proposed to use not only for the public service but also—

- (a) to meet the interests of proper planning of the area, or
- (b) to secure the best, or most economic, development or use of the land.

for other purposes.

- (3) The said sections 2, <sup>F228</sup> and 103 shall be construed and have effect as if references to the public service included the service in the United Kingdom—

- (a) of any international organisation or institution whether or not the United Kingdom or Her Majesty’s Government in the United Kingdom is or is to become, a member;
- (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty (whether or not the United Kingdom is or is to become a party to the treaty);
- (c) of a foreign sovereign Power or the Government of such a power;

and for the purposes of paragraph (b) above “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.

- (4) Where the Secretary of State proposes to dispose of any of his land and is of the opinion that it is necessary, in order to facilitate that disposal, to acquire adjoining land, then, notwithstanding that the acquisition of that adjoining land is not necessary for the public service, the said section 2 shall apply as if it were necessary for the public service.

- (5) Where the Secretary of State is authorised by the said section 2 to acquire land by agreement for a particular purpose, he may acquire that land notwithstanding that it is not immediately required for that purpose; and any land acquired by virtue of this subsection may, until required for the purpose for which it was acquired, be used for such purpose as the Secretary of State may determine.

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- (6) The Secretary of State may dispose of land held by him and acquired by him or any other Minister under the said sections 2, <sup>F228</sup> or 103 to such person, in such manner and subject to such conditions as may appear to the Secretary of State to be expedient, and in particular may under this subsection dispose of land held by him for any purpose in order to secure the use of the land for that purpose.
- (7) Any expenditure of the Secretary of State attributable to this section shall be paid out of money provided by Parliament.
- (8) This section (which re-enacts section 37 of the <sup>M82</sup>Community Land Act 1975 with modifications) shall be taken to have come into force on 12 December 1975 but, in relation to the period before the passing of this Act, shall have effect as if for subsection (3) there were substituted:—
- (3) The said sections 2, <sup>F228</sup> and 103 shall be construed and have effect as if references to the public service included the service in the United Kingdom—
- (a) of any international organisation or institution of which the United Kingdom, or Her Majesty’s Government in the United Kingdom, is, or is to become, a member;
  - (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty to which the United Kingdom is, or is to become, a party;
- and for the purposes of paragraph (b) above “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.

#### Textual Amendments

**F227** Words repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. I](#)

**F228** Word repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. I](#)

#### Marginal Citations

**M80** [1852 c. 28 \(29:7\)](#).

**M81** [1972 c. 52 \(123:1, 2\)](#).

**M82** [1975 c. 77](#).

### 123 Acquisition of land by the Crown in Northern Ireland.

- (1) The provisions of the law of Northern Ireland mentioned below (acquisition of land necessary for the public service) shall be construed and have effect as if references to the public service included the service in the United Kingdom—
- (a) of any international organisation or institution whether or not the United Kingdom or Her Majesty’s Government in the United Kingdom is or is to become a member;
  - (b) of any office or agency established by such an organisation or institution for its purposes, or established in pursuance of a treaty (whether or not the United Kingdom is or is to become a party to the treaty);
  - (c) of a foreign sovereign Power or the Government of such a Power;
- and for the purposes of paragraph (b) above “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.

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- (2) The said provisions are section 5(1) of the <sup>M83</sup>Stormont Regulation and Government Property Act (Northern Ireland) 1933 and Article 65 of the <sup>M84</sup>Land Acquisition and Compensation (Northern Ireland) Order 1973.
- (3) This section (which re-enacts section 38 of the Community Land Act 1975 with modifications) shall be taken to have come into force on 12 December 1975 but, in relation to the period before the passing of this Act, shall have effect as if for subsection (1) there were substituted:—
  - (1) The provisions of the law of Northern Ireland mentioned below (acquisition of land necessary for the public service) shall be construed and have effect as if references to the public service included the service in the United Kingdom—
    - (a) of any international organisation or institution of which the United Kingdom, or Her Majesty’s Government in the United Kingdom, is, or is to become, a member;
    - (b) of any office or agency established by such an organisation or institution or for its purposes, or established in pursuance of a treaty to which the United Kingdom is, or is to become, a party;
 and for the purposes of paragraph (b) above “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.
  - (4) This section extends to Northern Ireland only.

#### Marginal Citations

**M83** 1933 c. 6 (N.I.).

**M84** 1973 No. 1896 (N.I. 21).

## 124 Town development functions.

- (1) Subject to subsections (2) and (3) below, the functions under the <sup>M85</sup>Town Development Act 1952 which the <sup>M86</sup>Local Government Act 1972 conferred on county councils shall cease to be exercisable by such councils.
- (2) Nothing in this section shall affect—
  - (a) any undertaking under section 4 or 10(3) of the Town Development Act 1952; or
  - (b) any agreement under section 8 of that Act,
 which a county council have given or made before the passing of this Act.
- (3) The repeal of section 11 of the Town Development Act 1952 (modification of enactments consequential on participation by county council) shall not affect any orders under that section which are in force at the passing of this Act; and any such order may accordingly be varied or revoked under that section as if this Act had not been passed.

#### Marginal Citations

**M85** 1952 c. 54 (123:1).

**M86** 1972 c. 70. (81:1).

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## 125 Extent of Part XIV.

In this Part of this Act, only sections 116, 118, and 120 to 122 extend to Scotland.

## PART XV

### NEW TOWNS

#### *Payments to Secretary of State*

<sup>F229</sup>126 .....  
—130.

#### Textual Amendments

**F229** Ss. 126–130 repealed by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), s. 81, [Sch. 13](#)

#### *Licensing*

## 131 Off-licences: special provisions to cease.

- (1) Part VI of the 1964 Act (licensing in new towns) shall cease to have effect in relation to the licensing of premises in new towns by way of a justices off-licence.
- (2) References in Part VI of the 1964 Act to licensed premises and to a justices' licence shall be construed accordingly.
- (3) In consequence of subsection (1) above, the following provisions of the 1964 Act shall be omitted, namely sections 112(1)(a)(ii) and (b)(ii) and in section 112(5) the words "or licensed premises".
- (4) Nothing in this section affects the operation of section 111 of the 1964 Act as respects an application made before the date on which this section comes into force or made at the licensing sessions next held after that day.
- (5) Where the Development Board for Rural Wales is responsible under the <sup>M87</sup>Development of Rural Wales Act 1976 for the development of a new town, this section and section 132 below shall apply as if the Board were the development corporation for the new town.

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

**C102** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M87** [1976 c. 75.](#)

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### 132 Power to end special licensing provisions.

- (1) If a development corporation for a new town and the committee constituted for the new town under section 108 of the 1964 Act jointly apply to the Secretary of State for him to make an order under this section, he may make such an order.
- (2) The power to make an order under this section shall be exercisable by statutory instrument.
- (3) On an order coming into effect, subsections (4) to (6) below shall apply.
- (4) If under section 108 of the 1964 Act a committee was constituted for that new town only the committee shall cease to exist.
- (5) If under section 108 of the 1964 Act a committee was constituted for that and another new town—
  - (a) the committee shall cease to exercise its functions as respects the first-mentioned new town, and then this section shall apply as if under section 108 the committee had been constituted for the other new town only; and
  - (b) the Secretary of State shall vary any order made by him under the section in such manner as appears to him requisite in consequence of the coming into effect of the order under this section.
- (6) Sections 111 and 112 of the 1964 Act shall cease to apply to the new town, but without prejudice to the operation of section 111 as respects an application made before the date on which the order comes into effect or made at the licensing sessions next held after that day.

### Miscellaneous

### 133 Interpretation, amendments and extent.

- (1) In this Part of this Act—
 

[<sup>F230</sup>“development corporation” has the same meaning as in the <sup>M88</sup>New Towns Act 1981]

<sup>F231</sup>“the 1964 Act” means the <sup>M89</sup>Licensing Act 1964;

<sup>F231</sup>“the 1968 Act” means the <sup>M90</sup>New Towns (Scotland) Act 1968.
- (2) The amendments to <sup>F232</sup>the 1968 Act, the <sup>M91</sup>Land Compensation Act 1961 and the <sup>M92</sup>Land Compensation (Scotland) Act 1963 mentioned in Schedule 25 below shall have effect.
- (3)
- <sup>F233</sup>(4) This Part of this Act does not extend [<sup>F234</sup>to Scotland (apart from this section) or] to Northern Ireland.

#### Textual Amendments

- F230** Words substituted by [New Towns Act 1981](#) (c. 64, SIF 123:3), s. 81, [Sch. 12 para. 29\(a\)\(i\)](#)
- F231** Words repealed by [New Towns Act 1981](#) (c. 64, SIF 123:3), s. 81, [Sch. 12 para. 29\(a\)\(ii\)](#), Sch. 13
- F232** Words repealed by [New Towns Act 1981](#) (c. 64, SIF 123:3), s. 81, [Sch. 12 para. 29\(b\)](#), Sch. 13
- F233** [S. 133\(3\)](#) repealed by [New Towns Act 1981](#) (c. 64, SIF 123:3), s. 81, [Sch. 12 para. 29\(c\)](#), Sch. 13
- F234** Words inserted by [New Towns Act 1981](#) (c. 64, SIF 123:3), s. 81, [Sch. 12 para. 29\(d\)](#)



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### Marginal Citations

- M88** 1981 c. 64 (123:3).  
**M89** 1964 c. 26 (68A:1).  
**M90** 1968 c. 16 (123:4).  
**M91** 1961 c. 33 (28:1).  
**M92** 1963 c. 51 (28:2).

## PART XVI

### URBAN DEVELOPMENT

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

- C103** Pt. XVI (ss. 134–172) extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xxviii)**; S.I. 1996/218, **art. 2**  
 Pt. XVI (ss. 134–172) applied (27.5.1997) by 1997 c. 8, **ss. 116(3)(a)**, 278(2)  
**C104** Pt. XVI (ss. 134–172) extended (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 1(2)(xxiv)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)  
**C105** Pt. XVI (ss. 134–172) extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 1(1)(xxxiv)** (with s. 112(3), Sch. 17 paras. 33, 35)  
**C106** Pt. XVI extended by Gas Act 1986 (c. 44, SIF 44), s. 67(1)(3), Sch. 7 para. 2(1)(xxxix), **Sch. 8 para. 33**  
**C107** Pt. XVI amended by S.I. 1988/900, **art. 2**  
**C108** Pt. XII (ss. 102–111), Pt. XVI (ss. 134–172) extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 1(1)(xxxiv)** (with s. 112(3), Sch. 17 paras. 33, 35(1))

### Urban development areas

#### 134 Urban development areas.

- (1) . . . <sup>F235</sup> if the Secretary of State is of opinion that it is expedient in the national interest to do so, he may by order made by statutory instrument designate any area of land as an urban development area.

(2)

<sup>F236</sup>(3) Separate parcels of land may be designated as one urban development area.

[<sup>F237</sup>(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.]

(4) No order under [<sup>F238</sup>subsection (1) above] shall have effect until approved by a resolution of each House of Parliament.

[<sup>F239</sup>(5) The power to make an order under subsection (3A) above—

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- (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.]

#### Textual Amendments

**F235** Words repealed by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\)](#), s. 49(2), Sch. 12 Pts. III, IV

**F236** [S. 134\(2\)](#) repealed by [Housing and Planning Act 1986 \(c. 63, SIF 75:3\)](#), s. 47, **Sch. 12 Pt. III**

**F237** [s. 134\(3A\)\(3B\)](#) inserted (11.10.1993) by [1993 c. 28, s. 179\(1\)](#); S.I. 1993/2134, **art.4**

**F238** Words in [s. 134\(4\)](#) substituted (11.10.1993) by [1993 c. 28, s. 179\(2\)](#); S.I. 1993/2134, **art.4**

**F239** [S. 134\(5\)](#) inserted (11.10.1993) by [1993 c. 28, s. 179\(3\)](#); S.I. 1993/2134, **art.4**

### *Urban development corporations*

#### **135 Urban development corporations.**

- (1) For the purposes of regenerating an urban development area, the Secretary of State shall by order made by statutory instrument establish a corporation (an urban development corporation) for the area.
- (2) An order under this section may be made at the same time as an order under <sup>[<sup>F240</sup></sup>section 134(1)] above.
- (3) No order under this section shall have effect until approved by a resolution of each House of Parliament.
- (4) An urban development corporation shall be a body corporate by such name as may be prescribed by the order establishing it.
- (5) Schedule 26 below shall have effect with respect to urban development corporations.
- (6) It is hereby declared that an urban development corporation 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 the corporation's property is not to be regarded as the property of, or property held on behalf of, the Crown.

#### Textual Amendments

**F240** Words in [s. 135\(2\)](#) substituted (11.10.1993) by [1993 c. 28, s. 179\(4\)](#); S.I. 1993/2134, **art.4**

#### **136 Objects and general powers.**

- (1) The object of an urban development corporation shall be to secure the regeneration of its area.
- (2) The object is to be achieved in particular by the following means (or by such of them as seem to the corporation to be appropriate in the case of its area), namely, by bringing land and buildings into effective use, encouraging the development of existing and new industry and commerce, creating an attractive environment and ensuring that housing and social facilities are available to encourage people to live and work in the area.

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- (3) Subject to sections 137 and 138 below, for the purpose of achieving the object an urban development corporation may—
- (a) acquire, hold, manage, reclaim and dispose of land and other property;
  - (b) carry out building and other operations;
  - (c) seek to ensure the provision of water, electricity, gas, sewerage and other services;
  - (d) carry on any business or undertaking for the purposes of the object; and
  - (e) generally do anything necessary or expedient for the purposes of the object or for purposes incidental to those purposes.
- (4) No provision of this Part of this Act by virtue of which any power is exercisable by an urban development corporation shall be construed as limiting the effect of subsection (3) above.
- (5) Without prejudice to the generality of the powers conferred on urban development corporations by this Act, such a corporation, for the purpose of achieving the object,—
- (a) may, with the consent of the Secretary of State, contribute such sums as he with the Treasury's concurrence may determine towards expenditure incurred or to be incurred by any local authority or statutory undertakers in the performance of any statutory functions of the authority or undertakers, 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.
- (6) To avoid doubt it is declared that subsection (3) above relates only to the capacity of an urban development corporation as a statutory corporation; and nothing in this section authorises such a corporation to disregard any enactment or rule of law.
- (7) A transaction between a person and an urban development corporation shall not be invalidated by reason of any failure by the corporation to observe the object in subsection (1) above or the requirement in subsection (3) above that the corporation shall exercise the powers conferred by that subsection for the purpose of achieving that object.

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

**C109** [S. 136](#): exercise of powers continued (31.12.1995) by [S.I. 1995/3098](#), [art. 4](#)

### 137 Exclusion of functions.

- (1) An order under section 135 above may provide that any functions which may be exercisable by an urban development corporation by virtue of this Part of this Act and which are specified in the order are not to be exercised by the corporation established by the order, either as regards the whole of its area or as regards a portion of that area; and this Part of this Act shall apply to the corporation accordingly.
- (2) An order under section 135 above may amend any provision of a previous order under that section which was included in that order by virtue of subsection (1) above.
- (3) Nothing in subsection (2) above shall prejudice the operation of section 14 of the <sup>M93</sup> Interpretation Act 1978 (power to amend orders etc.).

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#### Marginal Citations

**M93** 1978 c. 30(115:1).

### 138 Restrictions on powers.

- (1) 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 an urban development corporation, he may give directions to such a corporation for restricting the exercise by it of any of its powers under this Act or for requiring it to exercise those powers in any manner specified in the directions.
- (2) Before giving a direction under subsection (1) above, the Secretary of State shall consult the corporation, unless he is satisfied that because of urgency consultation is impracticable.
- (3) A transaction between a person and an urban development corporation acting in purported exercise of its powers under this Act shall not be void by reason only that it was carried out in contravention of a direction given under subsection (1) above, and such a person shall not be concerned to see or enquire whether a direction under that subsection has been given or complied with.

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

**C110** S. 138 applied (16.3.1992) by [Avon Weir Act 1992 \(c. v\)](#), s.64 (with s. 61).

S. 138 applied (21.7.1994) by [1994 c. xiii](#), s. 38

### 139 Allocation or transfer of functions.

- (1) If it appears to the Secretary of State, in the case of an urban development area, that there are exceptional circumstances which render it expedient that the functions of an urban development corporation under this Part of this Act should be performed by the urban development corporation established for the purposes of any other area instead of by a separate corporation established for the purpose, he may, instead of establishing such a separate corporation, by order direct that those functions shall be performed by the urban development corporation established for the other area.
- (2) If it appears to the Secretary of State that there are exceptional circumstances which render it expedient that the functions of an urban development corporation established for one area should be transferred to the urban development corporation established for the purposes of another area, or to a new urban development corporation to be established for the first-mentioned area, 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 urban development corporation established for the purposes of the other area or (as the case may be) to a new corporation established for the purposes of the first-mentioned area by the order.
- (3) Without prejudice to section 14 of the <sup>M94</sup>Interpretation Act 1978, an order under this section providing for the exercise of functions in relation to an area by the urban development corporation established for the purposes of another area, 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,

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and for the purposes of this Act that corporation shall be treated as having been established for the purposes of each of those areas.

- (4) Before making an order under this section providing for the transfer of functions from or to an urban development corporation or for the exercise of any functions by such a corporation, the Secretary of State shall consult that corporation.
- (5) An order under this section shall make, with regard to a corporation on which functions are conferred by the order, the same provision as that which may be made with regard to a corporation under section 137 above.
- (6) An order under this section shall be made by statutory instrument.
- (7) No order under this section shall have effect until approved by a resolution of each House of Parliament.

#### Marginal Citations

**M94** 1978 c. 30 (115:1).

### 140 Consultation with local authorities.

- (1) An urban development corporation shall prepare a code of practice as to consultation with the relevant local authorities about the exercise of its powers.
- (2) In this section “the relevant local authorities” means local authorities the whole or any part of whose area is included in the urban development area.
- (3) Preparation of the code shall be completed not later than the expiration of the period of 12 months from the date of the establishment of the corporation.
- (4) A corporation may from time to time revise the whole or any part of its code.
- (5) A corporation shall prepare and revise its code in consultation with the relevant local authorities.

#### Land

### 141 Vesting by order in corporation.

- (1) Subject to subsection (2) below, the Secretary of State may by order made by statutory instrument provide that land specified in the order which is vested in a local authority, statutory undertakers or other public body or in a subsidiary of a public body shall vest in an urban development corporation established or to be established by an order under section 135 above for an area in which the land is situated.
- (2) An order under subsection (1) above may not specify land vested in statutory undertakers which is used for the purpose of carrying on their undertakings or which is held for that purpose.
- (3) In the case of land vested in statutory undertakers the Secretary of State and the appropriate Minister shall make any order under this section.
- (4) An order under this section shall have the same effect as a declaration under [F241the M95Compulsory Purchase (Vesting Declarations) Act 1981] or, in Scotland, section 278

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of the <sup>M96</sup>Town and Country Planning (Scotland) Act 1972 (both of which relate to general vesting declarations) except that, in relation to such orders, the enactments mentioned in Schedule 27 shall have effect subject to the modifications specified in that Schedule.

- (5) Compensation under the <sup>M97</sup>Land Compensation Act 1961 or, in Scotland, the <sup>M98</sup>Land Compensation (Scotland) Act 1963, as applied by subsection (4) above and Schedule 27 to this Act, shall be assessed by reference to values current on the date the order under this section comes into force.

[<sup>F242</sup>(5A) No compensation is payable, by virtue of an order under this section, under Part IV of the <sup>M99</sup>Land Compensation Act 1961.]

[<sup>F243</sup>(5B) No compensation is payable, by virtue of an order under this section, under Part V of the Land Compensation (Scotland) Act 1963]

- (6) No order under this section shall have effect until approved by a resolution of each House of Parliament.

- (7) In this section—

“subsidiary”, in relation to a public body, means a wholly-owned subsidiary of that body; and

“wholly-owned subsidiary” [<sup>F244</sup>as defined by section 736][<sup>F245</sup>of the <sup>M100</sup>Companies Act 1985]

#### Textual Amendments

**F241** Words substituted (E.W.) by [Compulsory Purchase \(Vesting Declarations\) Act 1981](#) (c. 66, SIF 28:1), s. 16(1), **Sch. 3 para. 4**

**F242** [S. 141\(5A\)](#) inserted after s. 141(5) (E.W.) (25.9.1991) by [Planning and Compensation Act 1991](#) (c. 34, SIF 28:2), s. 70, **Sch. 15**, Pt. II, para.25 (with s. 84(5)); S.I. 1991/2067, **art.3** (with art. 4, Sch. 2 Pt. II para. 5)

**F243** [S. 141\(5B\)](#) inserted after s. 141(5) (S.) (25.9.1991) by [Planning and Compensation Act 1991](#) (c. 34, SIF 28:2), s. 79, **Sch. 17**, Pt. II, para.22 (with s. 84(5)); S.I. 1991/2092, **art. 3**

**F244** Words substituted as provided by [Companies Act 1989](#) (c. 40, SIF 27), s. 144(4), **Sch. 18 para. 24**

**F245** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985](#) (c. 9, SIF 27), s. 30, **Sch. 2**

#### Marginal Citations

**M95** 1981 c. 66 (28:1).

**M96** 1972 c. 52(123:2).

**M97** 1961 c. 33 (28:1).

**M98** 1963 c. 51 (58:2).

**M99** 1961 c. 33.

**M100** 1985 c. 9 (27).

## 142 Acquisition by corporation.

- (1) An urban development corporation may acquire (by agreement or, on being authorised to do so by the Secretary of State, compulsorily)—

- (a) land in the urban development area;
- (b) land adjacent to the area which the corporation requires for purposes connected with the discharge of the corporation’s functions in the area;



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- (c) land, whether or not in or adjacent to the area, which the corporation requires for the provision of services in connection with the discharge of the corporation's functions in the area.
- (2) Where a corporation exercises its powers under subsection (1) above in relation to land which forms part of a common or open space or fuel or field garden allotment, the corporation 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 acquired. In the application of this subsection to Scotland the words "or fuel or field garden allotment" shall be omitted.
- [<sup>F246</sup>(2A) The 1981 Act shall apply (subject to section 144(2) below) to the compulsory acquisition of land in pursuance of subsection (1) or (2) above.]
- (3) [<sup>F247</sup>The 1946 Act and,] in Scotland, the 1947 Act shall apply (subject to section 144(2) below) in relation to the compulsory acquisition of land in pursuance of subsection (1) or (2) above as if—
- this section were contained in an Act in force immediately before the commencement of [<sup>F247</sup>the 1946 Act or (as the case may be)] the 1947 Act,
  - an urban development corporation were a local authority.
- (4) An urban development corporation which may be authorised by the Secretary of State, by means of a compulsory purchase order, to purchase any land compulsorily for any purpose may be authorised by him, by means of such an order, to purchase compulsorily for that purpose such new rights over the land as are specified in the order: and in this subsection "new rights" means rights which are not in existence when the order specifying them is made.
- (5) In subsection (4) above "compulsory purchase order" has the same meaning as in the [<sup>F248</sup>1981 Act, and Schedule 3 to that Act shall apply to the compulsory purchase of a right by virtue of subsection (4) above]
- (6) Subsection (5) above does not apply to Scotland.
- (7) In relation to Scotland, in subsection (4) above "compulsory purchase order" has the same meaning as in the 1947 Act, and section 63 of the <sup>M101</sup>Land Compensation (Scotland) Act 1973 shall apply to any compulsory purchase order made by virtue of that subsection.

#### Textual Amendments

**F246** S. 142(2A) inserted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 30\(5\)](#)

**F247** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 6 Pt. I](#)

**F248** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 30\(6\)](#)

#### Marginal Citations

**M101** 1973 c. 56.

### 143 Acquisition by local highway authority.

- (1) This section applies where the appropriate Minister is satisfied that the construction or improvement of a road is needed—



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- (a) outside an urban development area, for the purpose of securing the development of land in that area in accordance with proposals approved by the Secretary of State under section 148 below, or
  - (b) for the purpose of providing means of access to such an area.
- (2) In that case, a local highway authority may, on being authorised to do so by the appropriate Minister acquire compulsorily any land as to which he is satisfied that its acquisition by the authority is requisite—
  - (a) for the construction or improvement of the road, or
  - (b) for carrying out the improvement, or controlling the development, of frontages to the road or of land abutting on or adjacent to the road.
- (3) Where a local highway authority has been authorised under subsection (2) above to acquire compulsorily land forming part of a common or open space or fuel or field garden allotment, the authority may be authorised under that subsection to acquire compulsorily land for giving in exchange for the land acquired. In the application of this subsection to Scotland the words “or fuel or field garden allotment” shall be omitted.
- [<sup>F249</sup>(3A) The <sup>M102</sup>1981 Act shall apply (subject to section 144(2) below) to the compulsory acquisition of land under this section]
- (4) [<sup>F250</sup>The 1946 Act and,] in Scotland, the 1947 Act shall apply (subject to section 144(2) below) in relation to the compulsory acquisition of land in pursuance of this section as if this section were contained in an Act in force immediately before the commencement of [<sup>F250</sup>the 1946 Act or (as the case may be, the 1947 Act.)]
- (5) In this section—
  - “the appropriate Minister” means—
    - (a) in England, the Minister of Transport; and
    - (b) in Scotland or Wales, the Secretary of State; and
  - “local highway authority” means a highway authority other than the appropriate Minister.

#### Textual Amendments

**F249** S. 143(3A) inserted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 30\(7\)](#)

**F250** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 6 Pt. I](#)

#### Marginal Citations

**M102** [1981 c. 66 \(28:1\)](#).

### 144 Vesting and acquisition: supplementary.

- (1) Schedule 28 below (land) shall have effect.
- (2) Part I of the Schedule modifies the [<sup>F251</sup>1981 Act] and the 1947 Act as applied by section [<sup>F251</sup>142 and 143] above.
- (3) Part II relates to the acquisition of land by agreement under section 142 above.
- (4) Part III contains supplementary provisions about land vested in or acquired by an urban development corporation or local highway authority under this Part of this Act.

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- (5) Part IV (which does not apply to Scotland) contains supplementary provisions about the acquisition by an urban development corporation of rights over land under section 142(4) above.

#### Textual Amendments

**F251** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 30\(8\)](#)

### 145 Land compensation.

- (1) The following paragraph shall be inserted after paragraph 4 of Schedule 1 to the <sup>M103</sup>Land Compensation Act 1961 (descriptions of actual or prospective development of which account is not to be taken in assessing compensation or the effect of which is to reduce compensation payable in respect of adjacent land in the same ownership which has benefited by the development) and after paragraph 4 of Schedule 1 to the <sup>M104</sup>Land Compensation (Scotland) Act 1963 (which makes similar provision for Scotland):—

“4A. Where any of the relevant land forms part of an area designated as an urban development area by an order under section 134 of the Local Government, Planning and Land Act 1980.

Development of any land other than the relevant land, in the course of the development or redevelopment of that area as an urban development area.”

- (2) At the end of Part II of Schedule 1 to the Land Compensation Act 1961 there shall be added:—

### “PART III

#### SPECIAL PROVISIONS AS TO URBAN DEVELOPMENT AREAS

10 For the avoidance of doubt it is hereby declared—

- (a) that, in assessing in the circumstances described in paragraph 4A in the first column of Part I of this Schedule the increase or diminution in value to be left out of account by virtue of section 6 of this Act, no increase or diminution in value is to be excluded from being left out of account; and
- (b) that, in assessing in those circumstances the increase in value to be taken into account by virtue of section 7 of this Act, no increase in value is to be excluded from being taken into account, merely because it is attributable—
  - (i) to any development of land which was carried out before the area was designated as an urban development area;
  - (ii) to any development or prospect of development of land outside the urban development area;
  - (iii) to any development or prospect of development of land by an authority other than the acquiring authority, possessing compulsory purchase powers.

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11 Paragraph 10 of this Schedule shall have effect in relation to any increase or diminution in value to be left out of account by virtue of any rule of law relating to the assessment of compensation in respect of compulsory acquisition as it has effect in relation to any increase or diminution in value to be left out of account by virtue of section 6 of this Act.”.

(3) In section 6 of the <sup>M105</sup>Land Compensation Act 1961—

- (a) in subsection (1)(b), for “4” substitute “ 4A ”; and
- (b) add at the end of subsection (2) the words “ and the provisions of Part III of that Schedule shall have effect with regard to paragraph 4A. ”.

(4) At the end of Part II of Schedule 1 to the <sup>M106</sup>Land Compensation (Scotland) Act 1963 there shall be added:—

### “PART III

#### SPECIAL PROVISIONS AS TO URBAN DEVELOPMENT AREAS

6 For the avoidance of doubt it is hereby declared—

- (a) that, in assessing in the circumstances described in paragraph 4A in the first column of Part I of this Schedule the increase or diminution in value to be left out of account by virtue of section 13 of this Act no increase or diminution of value is to be excluded from being left out of account; and
- (b) that, in assessing in those circumstances the increase in value to be taken into account by virtue of section 14 of this Act, no increase in value is to be excluded from being taken into account, merely because it is attributable—
  - (i) to any development of land which was carried out before the area was designated as an urban development area;
  - (ii) to any development or prospect of development of land outside the urban development area;
  - (iii) to any development or prospect of development of land by an authority, other than the acquiring authority, possessing compulsory purchase powers.

7 Paragraph 6 of this Schedule shall have effect in relation to any increase or diminution in value to be left out of account by virtue of any rule of law relating to the assessment of compensation in respect of compulsory acquisition as it has effect in relation to any increase or diminution in value to be left out of account by virtue of section 13 of this Act.”.

(5) In section 13 of the <sup>M107</sup>Land Compensation (Scotland) Act 1963—

- (a) in subsection (1)(b), for “4”, where it first occurs, substitute “ 4A ”; and
- (b) add at the end of subsection (2A) the words “ and the provisions of Part III of that Schedule shall have effect with regard to paragraph 4A. ”.

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

**C111** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M103** 1961 c. 33.

**M104** 1963 c. 51.

**M105** 1961 c. 33.

**M106** 1963 c. 51.

**M107** 1963 c. 51.

### 146 Disposal by corporation.

- (1) Subject to this section and to any directions given by the Secretary of State under this Act, an urban development corporation may dispose of any land vested in or acquired by it to such persons, in such manner, and subject to such covenants or conditions, as it considers expedient for securing the regeneration of the corporation's area or for purposes connected with the regeneration of the area.
- (2) The powers of an urban development corporation with respect to the disposal of land vested in or acquired by it under this Act shall be so exercised as to secure (so far as practicable) that persons who were living or carrying on business or other activities on land so acquired shall, if they desire to obtain accommodation on land belonging to the corporation and are willing to comply with any requirements of the corporation as to its development and use, have (subject to subsection (3) below) an opportunity to obtain on it accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.
- (3) An urban development corporation shall not have any duty to afford to a person who was carrying on a business of selling intoxicating liquor or alcoholic liquor by retail on land acquired by the corporation an opportunity of obtaining alternative accommodation for such a business.
- (4) Nothing in this Act enables an urban development corporation to dispose of land by way of gift, mortgage or charge or (in Scotland) by way of gift or in security.
- (5) References in this section to disposing of land include references to granting an interest in or right over land.
- (6) In this section "intoxicating liquor" has the meaning assigned by section 201 of the <sup>M108</sup>Licensing Act 1964 and "alcoholic liquor" has the meaning assigned by section 139 of the <sup>M109</sup>Licensing (Scotland) Act 1976.

#### Marginal Citations

**M108** 1964 c. 26 (68A:1).

**M109** 1976 c. 66 (68A:2).

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### *Planning blight*

#### **147 Planning blight.**

- (1) . . . <sup>F252</sup> section 181(1) of the 1972 Act (which makes similar provisions for Scotland) shall have effect as if the land specified in them included land which—
  - (a) is land within an area intended to be designated as an urban development area by an order which has been made under section 134 above but which has not come into effect; or
  - (b) is land within an area which has been so designated by an order under that section which has come into effect.
- (2) No blight notice shall be served by virtue of subsection (1)(a) above at any time after the order has come into effect.
- (3) Until such time as an urban development corporation is established for the urban development area, <sup>F252</sup> sections 181 to 196 of the 1972 Act shall have effect in relation to land within subsection (1) above as if “the appropriate authority” and “the appropriate enactment” were the Secretary of State and subsection (4) below respectively.
- (4) Until such time as aforesaid the Secretary of State shall have power to acquire compulsorily any interest in land in pursuance of a blight notice served by virtue of subsection (1) above; and where he acquires an interest as aforesaid, then—
  - (a) if the land is or becomes land within subsection (1)(b) above, the interest shall be transferred by him to the urban development corporation established for the urban development area; and
  - (b) in any other case, the interest may be disposed of by him in such manner as he thinks fit.
- (5) . . . <sup>F252</sup>, the Land Compensation (Scotland) Act 1963 shall have effect in relation to the compensation payable in respect of the acquisition of an interest by the Secretary of State under subsection (4) above as if the acquisition were by an urban development corporation under this Part of this Act and as if, in the case of land within subsection (1) (a) above, the land formed part of the area designated as an urban development area by an order under section 134 above which has come into effect.

#### **Textual Amendments**

**F252** Words repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)

### *Planning functions*

#### **148 Planning control.**

- (1) An urban development corporation may submit to the Secretary of State proposals for the development of land within the urban development area, and the Secretary of State, after consultation with the local planning authority within whose area (or in Scotland the <sup>F253</sup>planning authority within whose area]) the land is situated and with any other local authority which appears to him to be concerned, may approve any such proposals either with or without modification.

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- (2) Without prejudice to the generality of the powers conferred by [F254section 59 of the 1990 Act] or section 21 of the 1972 Act, a special development order made by the Secretary of State under that section with respect to an urban development area may grant permission for any development of land in accordance with proposals approved under subsection (1) above, subject to such conditions, if any, (including conditions requiring details of any proposed development to be submitted to the local planning authority, or in Scotland the planning authority F255. . . within the meaning of section 172 of the M110Local Government (Scotland) Act 1973, as may be specified in the order.
- (3) The Secretary of State shall give to an urban development corporation such directions with respect to the disposal of land vested in or acquired by it under this Act and with respect to the development by it of such land, as appear to him to be necessary or expedient for securing, so far as practicable, the preservation of any features of special architectural or historic interest, and in particular of buildings included in any list compiled or approved or having effect as if compiled or approved under [F256section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990] (which relates to the compilation or approval by the Secretary of State of lists of buildings of special architectural or historic interest) or under section 52(1) of the 1972 Act (which makes similar provision for Scotland).
- (4) [F257Except in relation to land in Wales, references] in this section to the local planning authority are—
- (a) in relation to land outside Greater London, references to the district planning authority and also (in relation to proposals for any development which is a county matter, as defined in [F258paragraph 1 of Schedule 1 to the 1990 Act]) to the county planning authority; and
  - (b) in relation to land in Greater London, references to the authority which is the local planning authority as ascertained in accordance with [F259Part I of the 1990 Act].

#### Textual Amendments

- F253** Words in s. 148(4) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(6)(a)** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(c)**
- F254** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(5)(a)**
- F255** Words in s. 148(2) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 120(6)(b), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F256** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(5)(b)**
- F257** Word in s. 148(4) substituted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 16(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F258** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(5)(c)(i)**
- F259** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(5)(c)(ii)**

#### Marginal Citations

- M110** 1973 c. 65 (81:2).

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## 149 Corporation as planning authority.

- (1) If the Secretary of State so provides by order, an urban development corporation shall be the local planning authority for the whole or any portion of its area <sup>F260</sup> for such purposes of [<sup>F261</sup>Part III of the 1990 Act], and in relation to such kinds of development, as may be prescribed.
- (2) The order may provide—
  - (a) that any enactment relating to local planning authorities shall not apply to the corporation; and
  - (b) that any such enactment which applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- (3) If the Secretary of State so provides by order—
  - (a) an urban development corporation specified in the order shall have, in the whole or any portion of its area and <sup>F260</sup>, the functions conferred by such of the provisions of [<sup>F262</sup>the 1990 Act and the Planning (Listed Buildings and Conservation Areas) Act 1990] mentioned in Part I of Schedule 29 to this Act as are specified in the order;
  - (b) such of the provisions of [<sup>F263</sup>those Acts] specified in Part II of that Schedule as are mentioned in the order shall have effect, in relation to an urban development corporation specified in the order and to land in that corporation's area, subject to the modifications there specified.
- (4) An order under subsection (3) above may provide—
  - (a) that any enactment relating to local planning authorities shall apply to the urban development corporation specified in the order for the purposes of any of the provisions specified in Schedule 29 to this Act which relate to land in the urban development area by virtue of the order; and
  - (b) that any such enactment which so applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- (5)
- <sup>F264</sup>(6) In Scotland, if the Secretary of State so provides by order, an urban development corporation shall be the planning authority for the whole or any portion of its area in place of any authority which would otherwise be the planning authority for such purposes of Part III of the 1972 Act as are district planning functions (within the meaning of section 172 of <sup>M111</sup>the Local Government (Scotland) Act 1973), and in relation to such kinds of development, as may be prescribed.
- (7) An order under subsection (6) above may provide—
  - (a) that any enactment relating to planning authorities shall not apply to the corporation; and
  - (b) that any such enactment which applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- (8) If the Secretary of State so provides by order—
  - (a) an urban development corporation specified in the order shall have, in the whole or any portion of its area and in place of any authority (except the Secretary of State) which would otherwise have them, the functions conferred by such of the provisions of the 1972 Act mentioned in Part I of Schedule 30 to this Act as are specified in the order;



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- (b) such of the provisions of the 1972 Act specified in Part II of that Schedule as are mentioned in the order shall have effect, in relation to an urban development corporation specified in the order and to land in that corporation's area, subject to the modifications there specified.
- (9) An order under subsection (8) above may provide—
  - (a) that any enactment relating to planning authorities shall apply to the urban development corporation specified in the order for the purposes of any of the provisions specified in Schedule 30 to this Act which relate to land in the urban development area by virtue of the order; and
  - (b) that any such enactment which so applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- (10) In relation to an urban development corporation which is the planning authority by virtue of an order under subsection (6) above, section 256 of the 1972 Act (application to planning authorities of provisions as to planning control and enforcement) shall have effect for the purposes of Part 111 of the 1972 Act prescribed by that order, and in relation to the kinds of development so prescribed, as if—
  - (a) in subsection (1), the reference to the development by local authorities of land in respect of which they are the planning authorities included a reference to the development by the corporation of land in respect of which it is the planning authority;
  - (b) in subsection (2)—
    - (i) in paragraph (a) the words “ the corporation ” were substituted for the words “such an authority” and the word “ corporation ” were substituted for the words “local planning authority”; and
    - (ii) in paragraph (b) the word “ corporation ” were substituted for the words “local planning authority”.
- (11) An order under this section shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.
- (12) 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.
- (13) In this section “prescribed” means prescribed by an order under this section.

#### Textual Amendments

- F260** Words repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1 Pt. I**
- F261** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 44(6)(a)**
- F262** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 44(6)(b)**
- F263** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 44(6)(c)**
- F264** Ss. 119, 149(5), 150 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1 Pt. I**

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

**C112** S. 149(3)(a) extended by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 36(8), [Sch. 8 para. 8\(2\)\(a\)](#) (with s. 112(3), [Sch. 17 para. 35\(1\)](#))

**C113** S. 149(3)(a) extended by [Housing and Planning Act 1986 \(c. 63, SIF 123:1\)](#), [s. 44\(3\)](#)

**C114** S. 149(8)(a) extended by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 36(8), [Sch. 8 para. 8\(2\)\(b\)](#), (with s. 112(3), [Sch. 17 para. 35\(1\)](#))

#### **Marginal Citations**

**M111** [1973 c. 65 \(81:2\)](#).

## **150**

<sup>F265</sup>(1) The reference to the local planning authority in paragraph 17 of Schedule 16 to the <sup>M112</sup>Local Government Act 1972 (duty to include in a development order under section 24 of the 1971 Act provision enabling a local highway authority to impose restrictions on the grant by the local planning authority of planning permission for certain descriptions of development) shall not be construed as including a reference to an urban development corporation who are the local planning authority by virtue of an order under section 149 above, and no provision of a development order which is included in it by virtue of that paragraph is to be construed as applying to such a corporation.

(2) The Secretary of State may include in a development order under section 24 of the 1971 Act provision enabling a local highway authority to impose restrictions on the grant by an urban development corporation who are the local planning authority of planning permission under the 1971 Act for such descriptions of development as may be specified in the order.

#### **Textual Amendments**

**F265** [Ss. 119, 149\(5\), 150](#) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. I](#)

#### **Marginal Citations**

**M112** [1972 c. 70.\(81:1\)](#).

*Building control etc.*

## **151 Building control.**

- (1) The Secretary of State may make an order under this section directing that, subject to the provisions of the order, building control functions in an urban development area or in any portion of such an area shall be exercisable by the urban development corporation.
- (2) An order under this section shall identify by reference to a map the area to which the order relates.
- (3) In this section “building control functions” means—

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- (a) as regards England and Wales other than inner London boroughs, functions under or in connection with building regulations or any enactment (including a local Act) relating to such regulations;
  - (b) as regards inner London boroughs, functions exercisable under the London building legislation or, as the case may be, under or in connection with building regulations and any enactment relating to such regulations;
  - (c) as regards Scotland, the jurisdiction and functions conferred, in such a case, on local authorities by the Building (Scotland) Acts 1959 and 1970.
- (4) An order under this section may provide that the London building legislation shall not have effect in the area to which the order relates but that building regulations and any enactment relating to such regulations shall have effect instead.
- (5) An order under this section may provide for all or any of the following, namely—
  - (a) that the corporation shall have only such of the building control functions as may be specified in the order;
  - (b) that any building legislation under which the corporation is to exercise building control functions (or, in Scotland, that any of the jurisdiction and functions referred to in subsection (3)(c) above) shall apply, in relation to the corporation, as modified by the order,and this section shall have effect accordingly.
- (6) An order under this section shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.
- (7) The power to make an order under this section shall be exercisable by statutory instrument.
- (8) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section—
  - “building legislation” means—
    - (a) the London building legislation;
    - (b) any other enactments under which the corporation is to exercise building control functions; and
    - (c) building regulations;
  - “the London building legislation” means—
    - (a) The London Building Acts 1930 to 1978;
    - (b) any byelaws made under those Acts;
    - (c) subsections (2) and (3) of section 70 of the <sup>M113</sup>Health and Safety at Work etc. Act 1974 and any regulations made under the said subsection (3).

#### Marginal Citations

M113 1974 c. 37 (43:3).

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## 152 Fire precautions and home insulation.

- (1) The Secretary of State may make an order under this section directing that, subject to the provisions of the order, an urban development corporation shall have in its area (or in such part of its area as may be specified in the order)—
  - (a) the functions of a fire authority under the <sup>M114</sup>Fire Precautions Act 1971;
  - (b) the power of a local authority under section 36 of that Act (power to make loans to meet expenditure on certain alterations to buildings occasioned by the Act); and
  - (c) the functions of a local authority under any scheme made by virtue of <sup>F266</sup>section 521 of the <sup>M115</sup>Housing Act 1985] <sup>F266</sup>section <sup>F267</sup>[<sup>F267</sup>252 of the <sup>M116</sup>Housing (Scotland) Act 1987]] (schemes for the making of grants towards the cost of works undertaken to improve the thermal insulation of dwellings).
- (2) On the order coming into force, the corporation shall have the functions conferred in relation to the area (or part) instead of or concurrently with any such authority, depending on the terms of the order.
- (3) The order may provide that any enactment under which the corporation is to exercise functions by virtue of the order shall have effect in relation to the corporation and, where the corporation is to have any function concurrently with another authority, in relation to that authority, as modified by the order.
- (4) The order shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.
- (5) The power to make an order under this section shall be exercisable by statutory instrument.
- (6) No order under this section shall have effect until approved by a resolution of each House of Parliament.

### Textual Amendments

**F266** Words “section 521 of the Housing Act 1985” substituted (E.W.) for the words from “section” up to but not including “(schemes” by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 46\(2\)](#)

**F267** Words substituted (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\), s. 339, Sch. 23 para. 25\(1\)](#)

### Marginal Citations

**M114** 1971 c. 40 (50).

**M115** 1985 c. 68 (61).

**M116** 1987 c. 26 (61).

*Housing, etc.*

## 153 Corporation as housing authority.

- (1) If the Secretary of State so provides by order, an urban development corporation shall have in its area (or in such part of its area as may be specified in the order)—
  - (a) the functions conferred on a local authority by <sup>F268</sup>the <sup>M117</sup>Housing Act 1985 or the <sup>M118</sup>Housing Associations Act 1985] or by the <sup>F269</sup>Housing Associations Act 1985 and the <sup>M119</sup>Housing (Scotland) Act 1987]; and

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- (b) the functions conferred on the authority who are the relevant authority for the purposes of sections 39 to 41 of the <sup>M120</sup>Land Compensation Act 1973 or sections 36 to 38 of the <sup>M121</sup>Land Compensation (Scotland) Act 1973 (which relate to the rehousing of displaced residential occupiers);
- or such of those functions as the order may specify.
- (2) On the order coming into force, the corporation shall have the functions concerned in relation to the area (or part) instead of or concurrently with any such authority, depending on the terms of the order.
- (3) The order may provide that any enactment under which the corporation is to exercise functions by virtue of the order shall have effect in relation to the corporation and, where the corporation is to have any function concurrently with any other authority, in relation to that authority, as modified by the order.
- (4) The order shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.
- (5) The power to make an order under this section shall be exercisable by statutory instrument.
- (6) No order under this section shall have effect until approved by a resolution of each House of Parliament.

#### Textual Amendments

**F268** Words substituted (E.W.) by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 4, Sch. 2 para. 46\(3\)](#)

**F269** Words substituted (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\), s. 339, Sch. 23 para. 25\(2\)](#)

#### Marginal Citations

**M117** 1985 c. 68 (61).

**M118** 1985 c. 69 (61).

**M119** 1987 c. 26 (61).

**M120** 1973 c. 26 (28:1).

**M121** 1973 c. 56 (28:2).

### <sup>F270</sup>154 Rent rebates.

- (1) If the Secretary of State so provides by order, such of the provisions of [<sup>F271</sup>Part VII of the Social Security Contributions and Benefits Act 1991 and the Social Security Administration Act 1992] relating to rent rebates as may be specified in the order shall have effect in relation to an urban development corporation—
- (a) as if the corporation were a housing authority; and
- (b) with such other modifications (if any) as may be so specified.
- (2) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

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### Textual Amendments

**F270** Words substituted by [Social Security and Housing Benefits Act 1982 \(c. 24, SIF 44\)](#), s. 48(5), **Sch. 4 para. 36**

**F271** Words in s. 154 substituted (1.7.1992) by virtue of [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 4, 7(2), **Sch. 2 para.61**.

## 155 Rent.

- (1) In section 14 of the <sup>M122</sup>Rent Act 1977 (tenancy not protected when landlord's interest belongs to certain bodies), there shall be inserted after paragraph (f) “or
- (g) an urban development corporation within the meaning of Part XVI of the Local Government, Planning and Land Act 1980;”.

(2)<sup>F272</sup>

### Textual Amendments

**F272** [S. 155\(2\)](#) repealed (S.) by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 39:4\)](#), s. 117(3), **Sch. 10**

### Modifications etc. (not altering text)

**C115** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)—(4)(6)—(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)—(4)(6)—(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Marginal Citations

**M122** [1977 c. 42](#).

## 156 Other provisions relating to corporation as landlords.

(1)

<sup>F273</sup>(3)

- <sup>F274</sup>(4) [<sup>F275</sup>Part III of the <sup>M123</sup>Housing (Scotland) Act 1987] shall have effect as if a reference to an urban development corporation were included in any reference in those provisions to a development corporation established by an order made, or having effect as if made, under the <sup>M124</sup>New Towns (Scotland) Act 1968.

### Textual Amendments

**F273** [S. 156\(1\)\(2\)](#) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I**

**F274** [S. 156\(3\)](#) repealed by [Housing Act 1986 \(c. 63, SIF 75:3\)](#), ss. 18, 24(3), Sch. 4 para. 8, **Sch. 12 Pt. I**

**F275** Words substituted (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 339, **Sch. 23 para. 25(3)**

### Marginal Citations

**M123** [1987 c. 26 \(61\)](#).

**M124** [1968 c. 16](#).

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[<sup>F276</sup> Private streets]

**Textual Amendments**

**F276** Ss. 157, 157A, 157B and cross heading substituted (11.10.1993) for s. 157 by 1993 c. 28, s.178; S.I. 1993/2134, art. 4(b) (with Sch. 1 para. 8)

[<sup>F277</sup> 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.]

**Textual Amendments**

**F277** Ss. 157,, 157B substituted (11.10.1993) for s. 157 by 1993 c. 28, s.178; S.I. 1993/2134, art. 4(b) (with Sch. 1 para. 8)



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[<sup>F278</sup> **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 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.]

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#### Textual Amendments

**F278** Ss. 157, 157A, 157B substituted (11.10.1993) for s. 157 by 1993 c. 28, s.178; S.I. 1993/2134, art. 4(b) (with Sch. 1 para. 8)

### [<sup>F279</sup>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.]

#### Textual Amendments

**F279** Ss. 157, 157A, 157B substituted (11.10.1993) for s. 157 by 1993 c. 28, s.178; S.I. 1993/2134, art. 4(b) (with Sch. 1 para. 8)

*Sewerage etc.*

### <sup>F280</sup>158 .....

#### Textual Amendments

**F280** Ss. 105, 158 repealed by Water Act 1989 (c. 15, SIF 130), s. 190(3), Sch. 27 Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

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## 159 Public health etc.

- (1) The Secretary of State may by order provide that an urban development corporation shall have in its area (or in such part of its area as may be specified in the order) the functions conferred on a local authority—
  - (a) by sections 83 and 84 of the <sup>M125</sup>Public Health Act 1936 and sections 35 to 37 of the <sup>M126</sup>Public Health Act 1961 (all of which relate to filthy or verminous premises or articles) or in relation to Scotland by section 40 of the <sup>M127</sup>Public Health (Scotland) Act 1897 (which makes similar provision for Scotland);
  - (b) by any enactment contained in Part III (nuisances and offensive trades) [<sup>F281</sup>or IX (common lodging houses)] of the Public Health Act 1936 or in relation to Scotland by Parts II or V of the Public Health (Scotland) Act 1897 (which respectively make similar provision for Scotland);
  - (c) by so much of Part XII of the Public Health Act 1936 as relates to any of the enactments mentioned in paragraphs (a) and (b) above; and
  - (d) by Part I of the <sup>M128</sup>Prevention of Damage by Pests Act 1949 (rats and mice) [<sup>F282</sup>, and
  - (e) sections 39 to 42 of the <sup>M129</sup>Public Health (Control of Disease) Act 1984, and so much of Part VI of that Act as relates to those sections.]
- (2) On the order coming into force, the corporation shall have the functions conferred in relation to the area (or part) instead of or concurrently with any such authority, depending on the terms of the order.
- (3) The order may provide that any enactment under which the corporation is to exercise functions by virtue of the order shall have effect in relation to the corporation and, where the corporation is to have any function concurrently with another authority, in relation to that authority, as modified by the order.
- (4) The order shall have effect, subject to such savings and transitional and supplementary provisions as may be specified in the order.
- (5) The power to make an order under this section shall be exercisable by statutory instrument.
- (6) No order under this section shall have effect until approved by a resolution of each House of Parliament.

### Textual Amendments

**F281** Words repealed (E.W.) by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. 1**

**F282** [S. 159\(e\)](#) inserted (E.W.) by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 2 para. 8**

### Marginal Citations

**M125** 1936 c. 49 (100:1).

**M126** 1961 c. 64 (100:1).

**M127** 1897 c. 38 (100:2).

**M128** 1949 c. 55 (100:3).

**M129** 1984 c. 22 (100:1).

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### *Loans for building*

#### **160 Loans for building.**

- (1) For the purpose of enabling any person to whom an urban development corporation has sold or let any land to erect a building on the land, the corporation may, subject to this section, lend money to that person.
- (2) A loan made under this section, together with interest on the loan, shall be secured by a mortgage of the land (or in Scotland a standard security over the land) in respect of which the loan is made.
- (3) The amount of the principal of a loan made under this section shall not exceed whichever of the following is less:—
  - (a) three quarters of the value of the mortgaged security (or in Scotland the security subjects) at the time the loan is made.
  - (b) one half of the value which it is estimated the mortgaged security (or in Scotland the security subjects) will bear when the building for the erection of which the loan is made has been erected.
- (4) A loan made under this section shall carry interest at such rate as may be specified by the Treasury.
- (5) The mortgage deed (or in Scotland standard security) securing a loan made under this section shall provide—
  - (a) for repayment being made, subject to paragraphs (c) and (d) below, within such period, not exceeding 30 years, as may be specified in the deed (or standard security);
  - (b) for repayment being made, subject to paragraphs (c) and (d) below, either by instalments of principal or by an annuity of principal and interest combined;
  - (c) that, in the event of any of the conditions subject to which the loan is made not being complied with, the balance for the time being unpaid shall become repayable on demand by the corporation;
  - (d) that the said balance, or such part of it as may be provided for in the mortgage (or standard security), may, in any event other than that specified in paragraph (c) above, be repaid on any such conditions as may be specified in the mortgage (or standard security) after one month's written notice of intention to repay has been given to the corporation;
  - (e) where repayment is to be made by an annuity of principal and interest combined, for determining the amount by which the annuity or the life of the annuity is to be reduced when a part of the loan is paid off otherwise than by way of an instalment of the annuity.

#### **161 Loans in pursuance of building agreements.**

- (1) This section applies where an urban development corporation enters into an agreement with a person ("the builder") by which provision is made—
  - (a) authorising the builder to enter on land belonging to the corporation for the purpose of the builder erecting a building on the land;
  - (b) for the sale of the land to the builder, if the building is erected to the satisfaction of the corporation, or, as the agreement may provide, for the grant of a lease to him if the building is so erected;

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- (c) for the corporation to lend money to the builder for the purpose of enabling him to erect the building;
  - (d) for securing that, on such a sale or, as the case may be, grant of a lease, any amount lent as mentioned in paragraph (c) above will, together with the interest on the loan, be secured by a mortgage of the land (or in Scotland standard security over the land).
- (2) In that case the corporation may, subject to this section, lend money to the builder for the purpose mentioned in subsection (1)(c) above.
- (3) The amount of the principal of a loan made under this section shall not exceed whichever of the following is less:—
  - (a) three quarters of the value of the land at the time the agreement mentioned in subsection (1) above is made;
  - (b) one half of the amount which it is estimated will be the value of the security for the mortgage (or in Scotland of the security subjects) for which the agreement provides when the building for the erection of which the loan is made has been erected.
- (4) Subsections (4) and (5) of section 160 above apply to a loan made under this section as to one made under that.

#### *Inner urban areas*

### **162 Inner urban areas.**

- (1) In this section “the 1978 Act” means the <sup>M130</sup>Inner Urban Areas Act 1978, and “designated district” and “designated district authority” have the same meanings as in that Act.
- (2) In this section “relevant land” means an area of land which is at the same time situated in both an urban development area and a designated district.
- (3) An urban development corporation shall have (as regards relevant land) the same power as the designated district authority has (as regards the designated district) under the provisions of the 1978 Act mentioned in subsection (4) below; and the sections which are or contain those provisions shall apply accordingly (with the necessary modifications).
- (4) The provisions are:—
  - section 2(1) (loans for acquiring land etc.)
  - section 3(1) (loans and grants for co-operative enterprises etc.)
  - sections 4 to 6 (loans and grants in improvement areas)
  - sections 8 to 11 (loans and grants in special areas).
- (5) Subsections (6) and (7) below apply where—
  - (a) the Secretary of State or Ministers wish to enter into arrangements under subsection (1) of section 7 of the 1978 Act as respects any district [<sup>F283</sup>or Welsh county or county borough] (arrangements to determine action in case of special social need), and

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- (b) any area of land is situated both in an urban development area and that district [<sup>F283</sup>or (as the case may be) Welsh county or county borough].
- (6) In that case, arrangements under that subsection may be entered into with—
  - (a) the urban development corporation, or
  - (b) the council or councils mentioned in paragraph (a) [<sup>F283</sup>or (aa)] of that subsection, or
  - (c) subject to subsection (7) below, both the urban development corporation and the council or councils mentioned in that paragraph.
- (7) Arrangements under that subsection which are entered into by virtue of subsection (6) (c) above may not be entered into jointly with the urban development corporation and the council or councils.
- (8) Where arrangements under that subsection are entered into by virtue of subsection (6) above, they may also be entered into with such other person or persons (if any) as may appear to the Secretary of State or the Ministers appropriate.

#### Textual Amendments

**F283** Words in s. 162(5)(a)(b)(6)(b) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 59(2)(a)(b)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**

#### Marginal Citations

**M130** 1978 c. 50 (81:4).

### *Supply of goods, etc, to Urban Development Corporations*

#### **163 Supply of goods etc. by local authorities.**

- (1) Subject to subsection (2) below, in the <sup>M131</sup>Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) “public body” shall include any urban development corporation.
- (2) The provisions of subsection (1) above shall have effect as if made by an order under section 1(5) of the <sup>M132</sup>Local Authorities (Goods and Services) Act 1970 (power to provide that a person or description of persons shall be a public body for the purposes of that Act).
- (3) An order under the said section 1(5) may accordingly vary or revoke the provisions of subsection (1) above as they apply to an urban development corporation specified in the order.

#### Marginal Citations

**M131** 1970 c. 39 (81:4).

**M132** 1970 c. 39 (81:4).

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*Finance, accounts, reports, etc.*

**164 Finance, accounts, reports, etc.**

- (1) Schedule 31 below (finance, accounts, reports, etc. in relation to urban development corporations) shall have effect.
- (2) The expenses of the Secretary of State in respect of the administration of this Part of this Act shall be paid out of money provided by Parliament.

*Transfer of corporations' undertakings*

**165 Power to transfer undertaking.**

- (1) Subject to this section, an urban development corporation may, by an agreement made with any local authority [<sup>F284</sup>or other body] or any statutory undertakers and approved by the Secretary of State with the Treasury's concurrence:—
  - (a) transfer to the local authority [<sup>F284</sup>or other body] the whole or any part of the corporation's undertaking, or
  - (b) transfer to the statutory undertakers the whole or any part of the corporation's undertaking which consists of a statutory undertaking,
 upon such terms as may be prescribed by the agreement.

- (2) Subsection (1) above is without prejudice to the powers of an urban development corporation under this Act to dispose of any of its property, including any trade or business carried on by it.

<sup>F285</sup>(3) .....

- (4) Before approving an agreement 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 (except, in the case of an agreement made with such an authority, the authority with whom it is made).
- (5) Before approving an agreement under this section for the transfer of a statutory undertaking, the Secretary of State shall publish in the London Gazette (or, in the case of an urban development area in Scotland, the Edinburgh Gazette) and in one or more newspapers circulating in the urban development area, a notice stating that the agreement has been submitted for approval and describing the general effect of the agreement.
- (6) If within 28 days from publication of the notice in the London Gazette or Edinburgh Gazette in accordance with subsection (5) above any objection to the agreement is made by any statutory undertakers who, within the urban development area or any area adjacent to it, are carrying on or authorised to carry on a statutory undertaking similar to that proposed to be transferred by the agreement, subsection (1) above shall apply in relation to the agreement as if for the reference to the Secretary of State there were substituted a reference to him and the appropriate Minister.
- (7) If the Secretary of State is satisfied that it is expedient, having regard to any agreement made or proposed to be made under this section, that the liability of the urban development corporation in respect of advances made to it by the Secretary of State under this Part of this Act should be reduced, he may, by order made with the consent of the Treasury, reduce that liability to such extent as may be specified in the order.



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- (8) An order under subsection (7) above shall be of no effect until it is approved by a resolution of the House of Commons.
- (9) The following are local authorities for the purposes of this section [<sup>F286</sup>and sections 165A and 166 below], namely—
- (a) (in the application of [<sup>F287</sup>the sections] to England <sup>F288</sup>. . . ) a county council, a district council, a London borough council, <sup>F289</sup>and the Common Council of the City of London;
  - [<sup>F290</sup>(aa) (in the application of the sections to Wales) a county council or county borough council;]
  - (b) (in the application of [<sup>F287</sup>the sections] to Scotland) [<sup>F291</sup>any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 other than the councils for Orkney Islands, Shetland Islands and Western Isles].

#### Textual Amendments

- F284** Words in s. 165(1) inserted (11.10.1993) by 1993 c. 28, s. 180(1); S.I. 1993/2134, art. 4(a)
- F285** S. 165(3) repealed (11.10.1993) by 1993 c. 28, ss. 180(2), 187(2), Sch. 22; S.I. 1993/2134, art. 4(a)
- F286** Words in s. 165(9) inserted (11.10.1993) by 1993 c. 28, s. 180(3)(a); S.I. 1993/2134, art. 4(a)
- F287** Words in s. 165(9) substituted (11.10.1993) by 1993 c. 28, s. 180(3)(b); S.I. 1993/2134, art. 4(a)
- F288** Words in s. 165(9)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 59(3), Sch. 18 (ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
- F289** Words repealed by Local Government Act 1985 (c. 51, SIF 81), s. 102, Sch. 17
- F290** S. 165(9)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 59(3) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
- F291** Words in s. 165(9)(b) inserted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 120(7); S.I. 1996/323, art. 4(1)(c)

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

- C116** S. 165 modified (5.11.1993) by 1993 c. 42, s. 27 (with s. 30(1), Sch. 2 para. 9)

#### [<sup>F292</sup>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.
- (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.]

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### Textual Amendments

**F292** S. 165A inserted (11.10.1993 except in relation to the insertion of s. 165A(2) and 10.11.1993 so far as not already in force) by 1993 c. 28, s. 180(2); S.I. 1993/2134, art. 4(a); S.I. 1993/2762, art.3

VALID FROM 24/09/1996

### [<sup>F293</sup> 165B] Transfer of property, rights and liabilities to statutory bodies.

- (1) Subject to this section, the Secretary of State may at any time by order transfer to a statutory body, 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 section 165 or 165A above.
- (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) An order under this section may—
  - (a) establish new bodies corporate to receive any property, rights or liabilities to be transferred by an order under this section;
  - (b) amend, repeal or otherwise modify any enactment for the purpose of enabling any body established under any enactment to receive such property, rights or liabilities.
- (4) An order under this section—
  - (a) may contain such incidental, consequential, transitional or supplementary provision as the Secretary of State thinks necessary or expedient (including provisions amending, repealing or otherwise modifying any enactment); and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) 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.
- (6) In this section—
 

“enactment” includes any instrument made under any enactment;

“statutory body” means any body established under this section or any other enactment.]

### Textual Amendments

**F293** S. 165B inserted (24.9.1996) by 1996 c. 53, ss. 143(1), 150(2)

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### *Dissolution of corporations*

#### **166 Dissolution of corporations.**

- [<sup>F294</sup>(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.]
- (2) Before making such an order the Secretary of State shall consult each local authority in whose area all or part of the urban development area is situated.
- (3) On the order coming into force, the corporation shall cease to act except for the purpose of preparing its final accounts and report and winding up its affairs.
- (4) The corporation shall (without more) be dissolved on a date specified in, or ascertained by reference to the provisions of, the order.
- [<sup>F295</sup>(5) In this section “relevant instrument” means an agreement made under section 165 above or an order made under section 165A above.]

#### **Textual Amendments**

**F294** S. 166(1) substituted (11.10.1993) by 1993 c. 28, s. 180(4); S.I. 1993/2134, art. 4(a)

**F295** S. 166(5) substituted (11.10.1993) by 1993 c. 28, s. 180(5); S.I. 1993/2134, art. 4(a)

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

**C117** S. 166 extended (21.7.1994) by 1994 c. xiii, s. 39

### *Miscellaneous*

#### **167 Power to survey land etc.**

- (1) A person to whom this subsection applies may at any reasonable time:—
- (a) survey any land, or estimate its value, in connection with a proposal by an urban development corporation to acquire the land compulsorily;
  - (b) for the purpose of surveying, or estimating the value of, any land in pursuance of paragraph (a) above, enter on the land and other land.
- (2) Subsection (1) above applies—
- (a) to a person authorised in writing by the urban development corporation; and
  - (b) to an officer of the Valuation Office.
- (3) The power to survey land conferred by subsection (1) above includes power for a person to whom that subsection applies by virtue of subsection (2)(a) above to search and bore on and in the land for the purpose of ascertaining the nature of the subsoil or whether minerals are present in the subsoil, and the power to enter on land conferred by that subsection includes power for such a person to place and leave, on or in the land, apparatus for use in connection with the survey in question and to remove the apparatus.
- (4) A person authorised by an urban development corporation to enter on land in pursuance of subsection (1) above—

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- (a) shall, if so required before or after entering on the land, produce evidence of his authority to enter;
  - (b) may take with him on to the land such other persons and such equipment as are necessary for the survey in question;
  - (c) shall not (if the land is occupied) demand admission to the land as of right unless notice of the intended entry has been served by the corporation on the occupier not less than 28 days before the demand;
  - (d) shall (if the land is unoccupied when he enters or the occupier is then temporarily absent) leave the land as effectually secured against trespassers as he found it;
  - (e) shall not place or leave apparatus on or in the land or remove apparatus from the land—
    - (i) unless notice of his intention to do so has been served by the corporation on an owner of the land, and if the land is occupied on the occupier, not less than 28 days before he does so, and
    - (ii) If the land is held by local authority or statutory undertakers who within that period serve on the corporation a notice stating that they object to the placing or leaving or removal of the apparatus on the ground that to do so would be seriously detrimental to the performance of any of their functions or, as the case may be, the carrying on of their undertakings unless he has a written Ministerial authorisation to do so;
  - (f) shall not search or bore on or in the land which is the subject of the survey in question if the land is held by a local authority or statutory undertakers—
    - (i) unless notice of his intention to do so has been served by the corporation on the authority or undertakers not less than 28 days before he does so, and
    - (ii) if within that period the authority or undertakers serve on the corporation a notice stating that they object to the searching or boring on the ground that do so would be seriously detrimental to the performance of any of their functions or, as the case may be, the carrying on of their undertaking, unless he has a written Ministerial authorisation to do so.
- (5) In subsection (4) above “Ministerial authorisation” means—
- (a) in relation to land held by a local authority, the authorisation of the Secretary of State; and
  - (b) in relation to land held by statutory undertakers, the authorisation of the Secretary of State and the appropriate Minister.
- (6) In exercising the powers of this section to survey land held by a local authority or statutory undertakers a person to whom subsection (1) above applies shall comply with all reasonable conditions imposed by the authority or undertakers with regard to the entry on, surveying of, searching or boring on or in the land, or placing or leaving on, or removal of apparatus from land.
- [<sup>F296</sup>(7) Where it is proposed to search or bore in pursuance of this section in a street within the meaning of Part III of the New Roads and Street Works Act 1991 or, in Scotland, a road within the meaning of Part IV of that Act—
- (a) section 55 or 114 of that Act (notice of starting date of works), so far as it requires notice to be given to a person having apparatus in the street or road which is likely to be affected by the works,

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- (b) section 69 or 128 of that Act (requirements to be complied with where works likely to affect another person's apparatus in the street or road), and
  - (c) section 82 or 141 of that Act (liability for damage or loss caused),have effect in relation to the searching or boring as if they were street works within the meaning of the said Part III or, in Scotland, road works within the meaning of the said Part IV.]
- (8) If, in connection with such a proposal of a corporation as is mentioned in subsection (1) (a) above, a person interested in any land suffers damage in consequence of the exercise of a power conferred by subsection (1) or (4)(b) above or a failure to perform the duty imposed by subsection (4)(d) above in respect of the land, he shall be entitled to recover compensation for the damage from the corporation.
- (9) Any dispute as to a person's entitlement to compensation in pursuance of subsection (8) above or as to the amount of the compensation shall be determined by the Lands Tribunal, and sections 2(2) to (5) and 4 of the <sup>M133</sup>Land Compensation Act 1961 (which relate to the conduct of certain proceedings before the Tribunal and costs) shall with the necessary modifications apply in relation to the determination by the Tribunal of such a dispute.
- (10) If a person—
  - (a) wilfully obstructs another person in the exercise of a power conferred on the other person by subsection (1) or (4)(b) above; or
  - (b) while another person is on any land in pursuance of the said subsection (4)(b), wilfully obstructs him in doing things connected with the survey in question; or
  - (c) removes or otherwise interferes with apparatus left on or in land in pursuance of this section,he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F297</sup>level 3 on the standard scale]
- (11) If a person who has entered on any land in pursuance of this section discloses to another person information obtained by him there about a manufacturing process or trade secret, then, unless the disclosure is made in the course of performing his duty in connection with the purposes for which he was authorised to enter on the land, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.
- (12) It is hereby declared that references to surveying in this section include references to surveying from the air.
- (13) In the application of this section to Scotland, for the reference in subsection (9) to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland, and for the reference in that subsection to sections 2(2) to (5) and 4 of the Land Compensation Act 1961 there shall be substituted a reference to sections 9(2) to (5) and 11 of the <sup>M134</sup>Lands Compensation (Scotland) Act 1963 (which make similar provision for Scotland).
- (14) In this section—
  - <sup>F298</sup> . . .
  - “the Valuation Office” means the Valuation Office of the Inland Revenue Department.

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F299(15) . . . . .

#### Textual Amendments

- F296** S. 167(7) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 109](#); (E.W.) [S.I. 1992/2984](#), art. 2(2), [Sch. 2](#); (S.) [S.I. 1992/2990](#), art. 2(2), [Sch. 2](#).
- F297** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G
- F298** Definition in s. 167(14) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIV](#) Group 2
- F299** S. 167(15) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIV](#) Group 2.

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

- C118** S. 167 applied (with modifications) (27.7.1998) by 1998 c. iv, s. 11
- C119** S. 167 applied (5.11.1993) by 1993 c. 42, ss. 5, 6, [Sch. 4 para. 5](#), [Sch. 5 para. 3](#) (with s. 30(1), [Sch. 2 para. 9](#))

#### Marginal Citations

- M133** 1961 c. 33 (28:1).
- M134** 1963 c. 51.

### 168 Service of notices.

- (1) This section has effect in relation to any notice required or authorised by this Part of this Act to be served on any person by an urban development corporation.
- (2) Any such notice may be 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;
  - (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 <sup>M135</sup>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;
  - (b) in the case of a partnership 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) above has specified an address within the United Kingdom other than his proper address within the meaning of subsection (4) above as the one at which he or someone on his behalf will accept documents of the same description as that notice, that address shall

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also be treated for the purposes of this section and section 7 of the <sup>M136</sup>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) above 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.

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

**C120** S. 168 modified (5.11.1993) by 1993 c. 42, s. 28 (with s. 30(1), Sch. 2 para. 9)

**Marginal Citations**

**M135** 1978 c. 30 (115:1).

**M136** 1978 c. 30 (115:1).

**169 Ecclesiastical property.**

- (1) Where the fee simple of any ecclesiastical property is in abeyance, it shall be treated for the purposes of a compulsory acquisition of the property under this Part of this Act as being vested in the Church Commissioners, and any notice to treat shall be served, or be deemed to have been served, accordingly.
- (2) Where under this Part of this Act any notice, other than a notice to treat, is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.
- (3) This section does not extend to Scotland.

**170 Interpretation: statutory undertakers etc.**

- (1) In this Part of this Act, unless the context otherwise requires, “statutory undertakers” 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 <sup>F300</sup> , <sup>F301</sup> <sup>F302</sup> or hydraulic power]
- (b) . . . <sup>F303</sup> the Civil Aviation Authority, <sup>F304</sup> . . . , the Post Office and any other authority, body or undertakers which by virtue of any enactment are to be treated as statutory undertakers for any of the purposes of [<sup>F305</sup> the 1990 Act] or of the 1972 Act.
- (c) any other authority, body or undertakers specified in an order made by the Secretary of State under this paragraph, and
- (d) any wholly-owned subsidiary [<sup>F306</sup> as defined by section 736] [<sup>F307</sup> of the <sup>M137</sup> Companies Act 1985] of any person, authority, body or undertakers mentioned in paragraphs (a) and (b) above or specified in an order made under paragraph (c) above,
- and “statutory undertaking” shall be construed accordingly.



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- (2) In section 141 above “statutory undertakers” also includes British Shipbuilders<sup>F308F309</sup> and any wholly-owned subsidiary [<sup>F306</sup>as defined by section 736]<sup>F307</sup> of the Companies Act 1985] of any of them.
- (3) In this Part of this Act the expression “the appropriate Minister”, and any reference to the Secretary of State and the appropriate Minister—
- (a) in relation to any statutory undertakers who are also statutory undertakers for the purposes of any provision of Part XI of [<sup>F305</sup>the 1990 Act] or Part XI of the 1972 Act, shall have the same meanings as in the said Part XI, and
  - (b) in relation to any other statutory undertakers, shall have the meanings given by an order made by the Secretary of State under this subsection.
- (4) If, in relation to anything required or authorised to be done under this Part of this Act, 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.
- (5) An order made under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F300** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(4), **Sch. 18** (with s. 112(3), Sch. 17 para. 35(1))
- F301** Words repealed by Gas Act 1986 (c. 44, SIF 44), s. 67(4), **Sch. 9 Pt. I**
- F302** Words substituted by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 61(4)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F303** Words repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**
- F304** S. 170: words in para.(b) in definition of “statutory undertakers”  
 repealed (13.10.1994) by 1994 c. 21, s. 67, Sch. 9 para. 25(1), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- F305** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(7)**
- F306** Words substituted as provided by Companies Act 1989 (c. 40, SIF 27), ss. 144(4), 213(2), **Sch. 18 para. 24**
- F307** Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**
- F308** Words repealed by British Steel Act 1988 (c. 35, SIF 70), s. 16(3), **Sch. 2 Pt. I**
- F309** Words in s. 170(2) repealed (6.1.1992) by British Technology Group Act 1991 (c. 66, SIF 64), s. 17(2), **Sch. 2, Pt. I**; S.I. 1991/2721, **art. 2**.

#### Marginal Citations

- M137** 1985 c. 9 (27).  
**M138** 1985 c. 9 (27).

## 171 Interpretation: general.

In this Part of this Act, except in so far as the context otherwise requires—

“ecclesiastical property” means land belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop, of

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any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction;

[<sup>F310</sup>“the 1981 Act” means the <sup>M139</sup>Acquisition of Land Act 1981]

“the 1947 Act” means the <sup>M140</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

“the [<sup>F311</sup>1990] Act” means the Town and Country Planning Act [<sup>F311</sup>1990]

“the 1972 Act” means the <sup>M141</sup>Town and Country Planning (Scotland) Act 1972;

[<sup>F312</sup>“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;]

“urban development corporation” means a corporation established by an order under section 135 above.

#### Textual Amendments

**F310** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 4 para. 30(9)**

**F311** Word substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 44(8)**

**F312** Definition in s. 171 substituted (11.10.1993) by [1993 c. 28, s. 179\(5\)](#); [S.I. 1993/2134, art. 4\(a\)](#)

#### Marginal Citations

**M139** [1981 c. 67 \(28:1\)](#).

**M140** [1947 c. 42 \(28:2\)](#).

**M141** [1972 c. 52 \(123:2\)](#).

## 172 Extent of Part XVI.

This Part of this Act (except paragraph 18 of Schedule 26) does not extend to Northern Ireland.

## PART XVII

### CARAVAN SITES

## 173 Duty of local authorities to provide caravan sites for gipsies.

There are hereby repealed—

- (a) in subsection (2) of section 6 of the Act of 1968 (limitation of duty to provide adequate accommodation for gipsies and provision for exemption), the words from “and the Minister” to the end; and
- (b) section 190(2) of the <sup>M142</sup>Local Government Act 1972 (certain exemptions from the duty mentioned in paragraph (a) above to be continued in force).

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

**C121** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2),

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186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

M142 1972 c. 70.

### 174 Removal of unlawfully parked caravans and their occupants.

For section 11 of this Act of 1968 (removal of unlawful encampments) there is substituted the following section:—

#### “11 Order for removal of unlawfully parked caravans and their occupants.

- (1) In any area to which section 10 of this Act applies, a magistrates’ court may, on a complaint made by a local authority, and if satisfied that a caravan is stationed on land within that Authority’s area in contravention of that section, make an order requiring any caravan (whether or not identified in the order) which is so stationed on the land to be removed together with any person residing in it.
- (2) An order under this section may authorise the local authority to take such steps as are reasonably necessary to ensure that the order is complied with and in particular, may authorise the authority, by its officers and servants—
  - (a) to enter upon the land specified in the order; and
  - (b) to take, in relation to any caravan to be removed pursuant to the order, such steps for securing entry and rendering it suitable for removal as may be so specified.
- (3) The local authority shall not enter upon any occupied land unless they have given to the owner and occupier at least 24 hours notice of their intention to do so, or unless after reasonable inquiries they are unable to ascertain their names and addresses.
- (4) A person who intentionally obstructs any person acting in the exercise of any power conferred on him by an order under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.
- (5) A constable in uniform may arrest without warrant anyone whom he reasonably suspects to be guilty of an offence under this section.
- (6) Where a complaint is made under this section, a summons issued by the court requiring the person or persons to whom it is directed to appear before the court to answer to the complaint may be directed—
  - (a) to the occupant of a particular caravan stationed on the land in question; or
  - (b) to all occupants of caravans stationed there, without naming him or them.
- (7) Where it is impracticable to serve such a summons on a person named in it, it shall be treated duly served on him if a copy of it is fixed in a prominent place to the caravan concerned ; and where such a summons is directed to the unnamed occupants of caravans, it shall be treated as duly served on those occupants if

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a copy of it is fixed in a prominent place to every caravan stationed on the land in question at the time when the service is thus effected.

- (8) The local authority shall take such steps as may be reasonably practicable to secure that a copy of any such summons is displayed on the land in question (otherwise than by being fixed to a caravan) in a manner designed to ensure that it is likely to be seen by any person camping on the land.
- (9) Notice of any such summons shall be given by the local authority to the owner of the land in question and to the occupier of that land unless, after reasonable inquiries, the authority is unable to ascertain the name and address of the occupier ; and the owner of any such land and any occupier of any such land shall be entitled to appear and to be heard in the proceedings.
- (10) Section 55(2) of the Magistrates’s Courts Act 1980 (warrant for arrest of defendant failing to appear) does not apply to proceedings on a complaint made under this section.”.

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

**C122** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### **175 Designation of areas for purpose of making unauthorised camping unlawful.**

- (1) For section 12 of the Act of 1968 (designation of areas of counties and London boroughs as areas to which provisions of section 10 of that Act prohibiting unauthorised camping apply) there is substituted the following section:—

#### **“12 Designation of areas.**

- (1) Subject to subsection (3) below, the Minister may by order made on the application of a county council or London borough council designate the area of that council as an area to which section 10 of this Act applies.
- (2) Subject to subsection (3) below, the Minister may by order made on the joint application of a county council and one or more councils of districts within that county designate the area of the district or, as the case may be, the combined areas of the districts, as an area to which section 10 of this Act applies.
- (3) The Minister shall not make an order under subsection (1) or (2) above in respect of any area unless it appears to him either that adequate provision is made in the area for the accommodation of gipsies residing in or resorting to the area, or that in all the circumstances it is not necessary or expedient to make any such provision.
- (4) An order under this section may be revoked by an order made by the Minister, either on the application of the authority or authorities which made the original application or without such an application.

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- (5) The power of the Minister to make orders under this section shall be exercisable by statutory instrument ; and any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Where an order under this section is made in respect of any area it shall be the duty of the county council for that area or, as the case may be, the London borough council concerned to take such steps as area reasonably practicable to inform gipsies within the area of the making and effect of the order.”.
- (2) Where by virtue of the <sup>M143</sup>Local Government Act 1972 (which, among other things, reorganised local authority areas) a designation made before 1st April 1974 under section 12 of the 1968 Act as originally enacted (and not revoked) relates to part of only of the area of a county, any order which is made on the application of the council of that county under subsection (1) or (2) of the section substituted for section 12 of the 1968 Act by subsection (1) above shall be made to extend only to an area which does not include the area designated before 1st April 1974.

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

**C123** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M143** 1972 c. 70 (81:1).

### 176 Site licences: exemption for sites provided for gipsies by county councils of regional councils.

In Schedule 1 to the Act of 1960 (cases where site licence is not required), the following is inserted after paragraph 11:—

#### Gipsy sites occupied by county councils or regional councils

“11A A site licence shall not be required for the use of land occupied by a county council, or in Scotland a regional council, as a caravan site providing accommodation for gipsies.”.

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

**C124** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 177 Interpretation of Part XVII.

In this Part of this Act—

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“the Act of 1960” means the <sup>M144</sup>Caravan Sites and Control of Development Act 1960;

“the Act of 1968” means the <sup>M145</sup>Caravan Sites Act 1968;

“caravan” has the same meaning as in the Act of 1960; and

“gipsy” has the same meaning as in the Act of 1968.

#### Marginal Citations

**M144** 1960 c. 62 (46:3).

**M145** 1968 c. 52 (46:3).

### 178 Commencement and extent of Part XVII.

- (1) Section 174 of this Act shall commence at the expiry of the period of three months beginning with the date on which this Act is passed.
- (2) In section 173 above, the repeal effected by paragraph (b) shall not take effect until the expiry of the period of twelve months beginning with the date on which this Act is passed.
- (3) Subject to subsections (1) and (2) above, this Part of this Act shall commence at the expiry of the period of one month beginning with the date on which this Act is passed.
- (4) Sections 173, 174 and 175 above do not extend to Scotland.

## PART XVIII

### ENTERPRISE ZONES

### 179 Enterprise zones.

Schedule 32 below (which makes special provision about planning [<sup>F313</sup>and rates] in zones designated under the Schedule) shall have effect.

#### Textual Amendments

**F313** Words repealed (E.W.) by [S.I. 1990/776](#), art. 3, [Sch. 1](#)

## PART XIX

### MISCELLANEOUS AND SUPPLEMENTARY

#### *Honorary Freemen*

### 180 Honorary freemen.

In section 249(5) of the <sup>M146</sup>Local Government Act 1972 after “royal borough” where it first occurs insert “ or any parish or community having by grant under the royal

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prerogative the status of city and any parish or community entitled by such grant to be called and styled a royal town”, and after ther further references to “royal borough” in that subsection and in section 249(6) insert “ or parish or community as aforesaid. ”.

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

**C125** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M146** 1972 c. 70.

### Land Drainage

**F314** **181** .....

#### Textual Amendments

**F314** S. 181 repealed (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), ss. 3(1), 4(2), [Sch. 3, Pt.I](#) (with Sch. 2, paras. 10, 14(1) and 15)

**F315** **182** .....

#### Textual Amendments

**F315** Ss. 182, 187, 190 repealed by [Statute Law \(Repeals\) Act 1989](#) (c. 43), s. 1(1), [Sch. 1 Pt. IV](#)

### Social Services

#### **183 Relaxation of Ministerial controls over social services.**

- (1) The following section shall be substituted for section 3 of the <sup>M147</sup>Local Authority Social Services Act 1970 (under which no matter, other than a matter which by virtue of section 2 of the that Act stands referred to a local authority’s social services committee may be referred to or dealt with by the committee except with the consent of the Secretary of State):—

#### **“3 Business of Social Services Committee.**

- (1) A local Authority may delegate to their social services committee any of the functions matters relating to which stand referred to the committee by virtue of section 2 of this Act (hereafter in this Act referred to as “social services functions”) and, before exercising any of those functions themselves, the authority shall (unless the matter is urgent) consider a report of the committee with respect to the matter in question.



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- (2) Nothing in section 2 of this Act prevents a local authority from referring to a committee a matter which by virtue of that section stands referred to the social services committee and which in the authority's opinion ought to be referred to the other committee of the ground that it relates to a general service of the authority; but before referring any such matter the authority shall receive and consider a report of the social services committee with respect to the subject matter of the proposed reference.”.

- (2) The following section shall be inserted after that section:—

**“3A Power of local authority to refer or delegate to social services committee.**

A local authority may refer to their social services committee any matter which in their view may appropriately be referred to that committee, but which would not otherwise stand referred to that committee by virtue of this Act, and may delegate to that committee any of their functions relating to a matter so referred.”

- (3) Section 6(3) and (4) of that Act (which give the Secretary of State power to make regulations prescribing the qualifications requisite for a person's appointment as a local authority's director of social services and make provision for his concurrence in such appointments, until regulations are made) shall cease to have effect.

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

**C126** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M147** 1970 c. 42.

*Commissioners for Local Administration*

**184 Disclosure of information to Commissioners for Local Administration.**

- (1) In subsection (3) of section 32 of the <sup>M148</sup>Local Government Act 1974 (which empowers a Minister of the Crown or an authority subject to investigation to give notice to a Local Commissioner that in the opinion of the Minister or authority disclosure of certain documents or information would be contrary to the public interest and which prevents any person from communicating any such document or information to any other person, or for any purpose) for the words “any person” there shall be substituted the words “ the Local Commissioner or any member of the staff of a Commission who is allocated to assist him ”.
- (2) In subsection (3) of section 30 of the <sup>M149</sup>Local Government (Scotland) Act 1975 (which makes similar provision for Scotland) for the words “any person” there shall be substituted the words “ the Commissioner or any member of his staff ”.

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

**C127** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M148** 1974 c. 7.

**M149** 1975 c. 30.

### Pleasure Boats

#### 185 Pleasure boats bye laws.

- (1) Subject to the provisions of this section, any of the following authorities, namely
  - (i) a district council;
  - (ii) a London borough council;
  - (iii) the Common Council of the City of London,
  - <sup>F316</sup>(iv) the council of a Welsh county or county borough,
 may make byelaws—
  - (a) for regulating the numbering and maning of pleasure boats and vessels which are let for hire to the public and the mooring places for such boats and vessels; and
  - (b) for fixing the qualifications of the boatmen or other persons in charge of such boats or vessels; and
  - (c) for securing their good and orderly conduct while in charge.
- (2) No authority mentioned in subsection (1) above shall have power to make byelaws under that subsection in relation to pleasure boats or vessels operating—
  - (a) on any water owned by the British Waterways Board;
  - <sup>F317</sup>(b) on any inland waters (within the meaning of the Water Resources Act 1991) in respect of which the National Rivers Authority may make byelaws by virtue of paragraph 1 of Schedule 25 to that Act]
  - (c) subject to subsection (3) below, on any canal or other inland navigation which a navigation authority, as defined in section 135(1) of the <sup>M150</sup>Water Resources Act 1963, are required or empowered to manage or maintain under any enactment; or
  - (d) on any harbour maintained or managed by a harbour authority, as defined in section 57(1) of the <sup>M151</sup>Harbours Act 1964.
- (3) Subsection (2)(c) above does not preclude a local authority making byelaws under subsection (1) above in relation to pleasure oats or vessela operating on any canal or inland navigation which they themselves are required or empowered to manage or maintain.

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#### Textual Amendments

**F316** S. 185(1)(iv) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 59(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F317** S. 185(2)(b) substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2, 4(2), **Sch. 1**, para. 35(a)

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

**C128** Definition in s. 185(2)(c) continued (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2, 4(2), **Sch. 1**, para. 35(b)

#### Marginal Citations

**M150** 1963 c. 38

**M151** 1964 c. 40 (58).

### 186 Amendment of s. 94 of the Public Health Acts (Amendment) Act 1907.

The following subsections shall be added at the end of section 94 of the <sup>M152</sup>Public Health Acts (Amendment) Act 1907—

“(8) No licence under this section shall be required in respect of pleasure boats and pleasure vessels on any canal owned or managed by the British Waterways Board.

(9) In subsections (1) and (3) of this section “let for hire” means let for hire to the public.”.

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

**C129** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M152** 1907 c. 53.

<sup>F318</sup>**187** .....

#### Textual Amendments

**F318** Ss. 182, 187, 190 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

<sup>F319</sup>**188**, .....  
**189**.

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### Textual Amendments

**F319** Ss. 188, 189 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**; S. 189 expressed to be repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), **Sch.6**

**F320** **190** .....

### Textual Amendments

**F320** Ss. 182, 187, 190 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. IV**

## 191 Amendments of Inner Urban Areas Act 1978.

- (1) The following subsection shall be substituted for subsection (3) of section 6 of the <sup>M153</sup>Inner Urban Areas Act 1978 (which limits the amount of a grant under that section for converting or improving a building to 50 per cent. of the cost of carrying out the works or a fixed amount for each job which, in the opinion of the authority making the grant, is likely to be created or preserved as a result of the carrying out of the works, whichever is the less):—

“(3) The amount of a grant under this section shall not exceed 50 per cent. of the cost of carrying out the works.”.

- (2) The following sub-paragraph shall be substituted for paragraph 2(1) of the Schedule to that Act (Secretary of State’s notification that all or part of an improvement area is no longer to be such an area):—

“2 (1) If the area declared to be an improvement area by a resolution under paragraph 1(1) above is wholly or partly included in an area of land designated as an urban development area by an order under section 134 of the Local Government, Planning and Land Act 1980, the Secretary of State, if it appears appropriate to him—

- (a) may at any time before the resolution takes effect send to the authority a notification that the land included in the urban development area is not to be or to be included in the improvement area by virtue of the resolution; and
- (b) may at any time after the resolution takes effect, send them a notification that the land included in the urban development area is no longer to be or to be included in the improvement area by virtue of it.”.

### Modifications etc. (not altering text)

**C130** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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## Marginal Citations

M153 1978 c. 50.

## Supplementary

### 192 Finance-general.

There shall be paid out of money provided by Parliament any increase in money so payable under any other Act which is attributable to the provisions of this Act.

### 193 Minor and consequential amendments.

The enactments specified in Schedule 33 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

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

**C131** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 194 Repeals.

The enactments specified in Schedule 34 to this Act (which include enactments which are obsolete or unnecessary before the passing of this Act) are repealed to the extent specified in the third column of that Schedule.

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

**C132** The text of ss. 24, 25(1)–(3)(5), 26(4), 27, 32, 46 61(4A), 68(2), 69(3), 92(1)–(4)(6)–(8), 112, 114, 118, 131(3), 145, 155(1), 173, 174, 175(1), 176, 180, 181(1)–(3), 183, 92(1)–(4)(6)–(8), 184(1)(2), 186, 191, 193, 194 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 195 Scotland.

- (1) Parts IV, V, IX, XII, XIV, XV and XVII of this Act apply to Scotland to the extent specified in sections 27, 47, 92, 111, 125, 133 and 178 respectively.
- (2) Parts VI, VIII and X of this Act do not apply to Scotland.
- (3) In this Part of this Act sections 180, 181, 183, 185, 186 and 190 do not extend to Scotland.

### 196 Northern Ireland.

The following provisions of this Act extend to Northern Ireland, that is to say—

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section 101;

section 123; in Schedule 17, so much of paragraph 5 as relates to section 123;

in Schedule 22, paragraph 15;

in Schedule 26, paragraph 18;

so much of Part XI of Schedule 34 as repeals any enactment which extends to Northern Ireland;

but except as aforesaid, and except so far as it relates to the commencement of those provisions, this Act does not extend to Northern Ireland.

## **197 Citation.**

This Act may be cited as the Local Government, Planning and Land Act 1980.

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## SCHEDULES

### SCHEDULE 1

Section 1(1).

#### PROVISIONS TO WHICH SECTION 1(1) REFERS

##### *Prevention of damage by Pests Act 1949 (c. 55)*

- 1 Section 2 (power to direct keeping of records etc.)
- 2 Section 12 (directions)

##### *Rag Flock and other Filling Materials Act 1951 (c. 63)*

- 3 Section 6 (appeals).
- 4 Section 7 (appeals)
- 5 Section 15 (regulations about fees for tests).

##### *Food and Drugs Act 1955 (4 & 5 Eliz. 2) (c. 16)*

- [<sup>F321</sup>6 Section 99 (requirement to transmit copy of public analyst's report to Minister).]

#### Textual Amendments

**F321** Word substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, [Sch. 13 para. 38\(a\)](#)

- 7 Section 109 (institution of proceedings).

##### *Agriculture Act 1970 (c. 40)*

- 8 Section 67 (reports).
- 9 Section 80 (institution of prosecutions).

##### *Local Government Act 1972 (c. 70)*

- 10 Section 138 (emergencies and disasters).

##### *Slaughterhouses Act 1974 (c. 3)*

- <sup>F322</sup>11 .....

#### Textual Amendments

**F322** [Sch. 1 para. 11](#) repealed (11.9.1996) by [S.I. 1996/2235](#), art. 11, [Sch.](#)

- 12 Section 12(1) (requirement to make byelaws).



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F323<sup>13</sup> . . . . .

#### Textual Amendments

**F323** Sch. 1 para. 13 repealed (11.9.1996) by S.I. 1996/2235, art. 11, Sch.

## SCHEDULE 2

Section 1(2).

### RELAXATION OF CONTROLS OVER FUNCTIONS RELATING TO CLEAN AIR AND POLLUTION

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

**C133** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *Clean Air Act 1956 (c. 52)*

F324<sup>1</sup> . . . . .

#### Textual Amendments

**F324** Sch. 2 paras. 1–6 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch.6

F325<sup>2</sup> . . . . .

#### Textual Amendments

**F325** Sch. 2 paras. 1–6 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch.6

F326<sup>3</sup> . . . . .

#### Textual Amendments

**F326** Sch. 2 paras. 1–6 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch.6

F327<sup>4</sup> . . . . .

#### Textual Amendments

**F327** Sch. 2 paras. 1–6 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch.6

F328<sup>5</sup> . . . . .

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### Textual Amendments

**F328** Sch. 2 paras. 1-6 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch. 6

### Clean Air Act 1968 (c. 62)

F329 6

### Textual Amendments

**F329** Sch. 2 paras. 1-6 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch. 6

### Control of Pollution Act 1974 (c. 40)

- 7 In section 2—
- (a) in subsection (2) (waste disposal plans; power to modify required contents by regulations) omit the words from “but provision may be made by regulations” to the end;
  - (b) in subsection (3)(a) (duty to consult) in paragraph (vi) omit “and such other persons as are prescribed”;
  - (c) omit subsection (7) (power of Secretary of State to give authority direction as to the time by which it is to perform duty).
- 8 In section 5—
- (a) in subsection (1) (application for disposal licence to be made in writing and include prescribed information) omit “and include such information as is prescribed”;
  - (b) in subsection (2) (disposal licences and planning) omit the words from “but provision may be made by regulations” to the end;
  - (c) in subsection (4)(a) (disposal authority to refer proposal to certain persons) omit “and to any other prescribed person”; and
  - (d) in subsection (5)(a) (which make similar provision in relation to Scotland) omit “and
- (iii) any other prescribed person;”.
- 9 (1) The following provisions (which relate to procedural matters connected with waste disposal) shall cease to have effect, namely—
- (a) in section 6(1), the words “as to the conditions which are or are not to be specified in a disposal licence, and”; and
  - (b) in section 11(3)(c) and (4)(a) the words “and to any other prescribed person”.
- (2) in section 6(4)(a), for “prescribed particulars” substitute “copies”.
- (3) In section 11(10) for “particulars” substitute “copies”.
- 10 (1) The following subsections shall be substituted for subsection (1) of section 13 (dustbins etc.):—
- “(1) Where a collection authority has a duty by virtue of subsection (1)(a) of the preceding section to arrange for the collection of household waste from any premises, the authority may, by a notice served on the occupier of the

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premises, require him to place the waste for collection in receptacles which are of a kind and number reasonably specified in the notice.

(1A) A person who fails to comply with any of the requirements of such a notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.”

(2) In subsection (3) of that section—

- (a) for the words “the kind or number of the receptacles required by” there shall be substituted the words “ any requirement specified in ”; and
- (b) in paragraph (c), for the words “the kind or number of receptacles” there shall be substituted the words “ any requirement ”.

(3) The following subsections shall be substituted for subsection (5):—

“(5) If it appears to a collection authority that there is likely to be situated, on any premises in its area, commercial waste or industrial waste of a kind which, if the waste is not stored in receptacles of a particular kind, is likely to cause a nuisance or to be detrimental to the amenities of the locality in which the premises are situated, the authority may, by notice served on the occupier of the premises, require him to provide at the premises receptacles for the storage of such waste which are of a kind and number reasonably specified in the notice.

(5A) A person who fails to comply with any requirement specified in the notice shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £100.”.

(4) In subsection (6), for the words “the kind or number of receptacles” there shall be substituted the words “ any requirement ”.

(5) The following subsections shall be substituted for subsection (7):—

“(7) A notice under subsection (1) or (5) of this section may make provision with respect to—

- (a) the size, construction and maintenance of receptacles for controlled waste;
- (b) the placing of receptacles on premises for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose;
- (c) the placing of receptacles for that purpose of highways;
- (d) the substances which may and may not be put into the receptacles and the precautions to be taken where particular substances are put into them; and
- (e) the steps to be taken by occupiers of premises for the purposes of facilitating the collection of waste from receptacles for controlled waste which are provided in connection with the premises.

(7A) A notice under subsection (1) or (5) of this section shall not require receptacles to be placed on highways unless—

- (a) the relevant highway authority have given their consent to their being so placed; and
- (b) arrangements have been made as to the liability for any damage arising out of their being so placed.”

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- 11 (1) In section 23 (prohibition of parking to facilitate street cleaing) for subsection (2), substitute—
- “(2) Such a notice must specify the relevant area, the relevant day and the hours in question; and a copy of the notice must—
- (a) be served on the occupier of any premises adjoining the relevant area; and
  - (b) be conspicuously displayed at places in the relevant area.
- (2A) The effect of the giving of such a notice and of the service and display of copies of it as required by subsection (2) of this section shall be to suspend during the hours of the relevant day specified in the notice the operation of any provision which is contained in an order under the Road Traffic Regulation Act 1967 or a local enactment and which authorises, designates or regulates the use of a street parking place in the relevant area.
- (2B) The authority giving the notice shall cover up traffic signs and parking meters in the relevant area during the hours if the relevant day specified in the notice, but without prejudice to the effect of the notice.”.
- (2) Omit section 22(3).
- (3) For subsection (5) substitute:—
- “(5) If, either before or during the hours on the relevant day which are specified in a notice given by an authority as mentioned in subsection (1) of this section, the authority displays notices in the relevant area stating that the prohibition on parking is not to come into force or is to cease to be in force, the effect of the notices under this subsection shall be to prevent the prohibition coming into force or, as the case may be, to terminate it.”.
- (4) After subsection (6) insert:—
- “(6A) No authority shall issue a notice under this section whose effect would be to suspend the operation of provisions of an order not made by the highway authority without first consulting the authority who made the order.”.
- (5) After subsection (8) insert:—
- “(9) In this section “parking meter”, “street parking place” and “traffic sign” have the same meanings respectively assigned to them by sections 36(2)(a), 104(1) and 54 of the Road Traffic Regulation Act 1967.”.
- 12 In section 27(1)(b) (interference with receptacles for waste) for “regulations made by virtue of section 13(7)” substitute “ a notice under section 13(1) or (5) ”.
- 13 In section 28(1), (supplementary provisions relating to pipes), omit “in the prescribed form”.
- 14 In section 63 (designation of noise abatement zones), except in its application to orders made but not confirmed before the passing of this Act, omit the following words—
- (a) in subsection (1), “confirmed by the Secretary of State”;
  - (b) in subsection (3), “and confirmed”, in both places where they occur; and
  - (c) in subsection (4), “confirmation and”.

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15 Omit section 73(2)(a) (determination by Secretary of State of questions as to local authority area).

F330 16 .....

#### Textual Amendments

F330 Sch. 2 para. 16 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), Sch.6

17 In section 90(2)(b) (interest on sums payable to water or other authorities) for the words from “the rate”, in the first place where they occur to the end substitute “such reasonable rate or rates as the authority may determine”.

18 For Schedule 1 substitute—

#### “SCHEDULE 1

##### NOISE ABATEMENT ZONES

- 1 Before making a noise abatement order the local authority—
  - (a) shall serve on every owner, lessee and occupier (other than tenants for a month or any period less than a month) of any of the premises within the area and of a class to which the order will relate; and
  - (b) shall publish in the London Gazette and once at least in two successive weeks in some newspaper circulating in the area to which the order will relate,
 a notice complying with the requirement set out in the following paragraph.
- 2 The requirements referred to in the preceding paragraph are that the notice—
  - (a) shall state that the local authority propose to make the order, and its general effect;
  - (b) shall specify a place in the area of the local authority where a copy of the order and of any map or plan referred to in it may be inspected by any person free of charge at all reasonable times during a period of not less than six weeks from the date of the last publication of the notice; and
  - (c) shall state that within the said period any person who will be affected by the order may by notice in writing to the local authority object to the making of the order.
- 3
  - (1) If an objection is duly made to the local authority within the said period, and is not withdrawn, the local authority shall not make the order without first considering the objection.
  - (2) The local authority may make the order without complying with subparagraph (1) of this paragraph if they are satisfied that compliance is unnecessary having regard—
    - (a) to the nature of the premises to which the order will relate when it comes in to force; or
    - (b) to the nature of the interests of the persons who have made objections which have not been withdrawn.
  - (3) Where the order varies or revokes a previous order, the local authority may, in acting under this paragraph disregard any objection to the order which in

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their opinion amounts in substance to an objection which was made to the previous order.

- 4 (1) Subject to paragraph 5 below, an order shall come into operation on such date after it is made as may be specified in it.
- (2) Except in the case of an order revoking an existing order or varying an existing order by excluding from it any specified class of premises, the date specified under sub-paragraph (1) above shall not be a date earlier than one month from the date on which the order is made.
- 5 If, before the date on which the order is to come into operation, the local authority—
  - (a) passes a resolution postponing the coming into operation of the order; and
  - (b) publishes a notice stating the effect of the resolution in the London Gazette and once at least in each of two successive weeks in a newspaper circulating in the area to which the order relates,the order shall, unless there is a further postponement under paragraph (a) above, come into operation in the date specified in the resolution.”

### SCHEDULE 3

Section 1(3)

#### RELAXION OF CONTROLS OVER FUNCTIONS RELATING TO AMENITY ETC.

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

**C134** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

##### *Commons Act 1876 (c. 56)*

- 1 Omit section 8 (surburban commons procedure).

##### *Commons Act 1899 (c. 30)*

- 2 (1) In section 2 (procedure for making schemes)—
  - (a) in subsection (1), omit the second sentence;
  - (b) in subsection (2), for “Board of Agriculture” substitute “ council ”;
  - (c) in subsection (3), for “Board of Agriculture” and “Board” substitute “ council ”;
  - (d) in subsection (4), for “Board of Agriculture” and for “Board”, in both places where it occurs, substitute “ Council ”.
- (2) Accordingly, for section 11 substitute—

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**“11** All expenses of incidental to the preparation and execution of a scheme under this Part of this Act shall be paid by the district council.”.

3 In section 12 (contributions towards expenses) omit the words “and subject to the approval of the Local Government Board”.

*National Parks and Access to the Countryside Act 1949 (c. 97)*

4 Omit section 37 (power of Minister to expedite maps etc.).

5 In section 61(3), omit paragraph (b) of the proviso (directions as to application of enactments).

6 Omit section 62(4) (reviews of access requirements) and accordingly—  
 (a) in subsection (2), for the words from “forward” to the end substitute “publish a notice containing a statement of their opinion”; and  
 (b) in subsection (3), for “Minister” substitute “authority”.

7 For section 69 substitute—

**“69 Suspension of public access to avoid exceptional risk of fire.**

If, upon application made the the county planning authority by any person interested in land comprised in an access agreement or order, or by any other person appearing the that authority to have a sufficient interest in the matter, the authority are satisfied that, by reason of any exceptional conditions of weather for the time being prevailing, access by the public to the land or any part of it is likely to result in fires occurring on it, the authority may direct that subsection (1) of section 60 of this Act shall not have effect in relation to the land during such period as may be specified in the direction.”.

8 Omit section 79 (access to woodlands).

9 In section 80(3), (variation of access agreements) omit “made with the approval of the Minister”.

*Caravan Sites and Control of Development Act 1960 (c. 62)*

10 (1) In section 3(2) (issue of site licences by local authorities) for the words from “particulars” to the end substitute “other information as they may reasonably require.”.

(2) In subsections (4) and (5), for “particulars prescribed under” substitute “information required by virtue of”.

*London Government Act 1963 (c. 33)*

11 For section 58(1) (parks and open spaces) substitute—

“(1) The Open Spaces Act 1906, except section 14 shall have effect as if the London borough councils and the Greater London Council were included among the local authorities to whom it applies.”

*Countryside Act 1968 (c. 41)*

12 Omit section 17 (access orders: agricultural land).

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*Caravan Sites Act 1968 (c. 52)*

13 For section 9 substitute—

**“9 Power of Secretary of State to direct local authorities to provide sites.**

The Secretary of State may, if at any time it appears to him to be necessary so to do, give directions to any local authority to which subsection (1) of section 6 of this Act applies requiring them to provide, pursuant to that section, such sites or additional sites, for the accommodation of such numbers of caravans, as may be specified in the directions ; and any such directions shall be enforceable, on the application of the Secretary of State, by mandamus.”.

*Refuse Disposal (Amenity) Act 1978 (c. 3)*

14 In section 3(2) (which empowers a local authority to give notice in the prescribed manner that they propose to remove an abandoned motor vehicle but provides that they shall not be entitled to remove it if the person to whom the notice is given objects to their proposal in the prescribed manner and within the prescribed period) omit “in the prescribed manner” and “in the prescribed manner and”.

15 Omit section 4(4) (under which the Secretary of State may by regulations require a local authority by whom a vehicle is disposed of to give such information relating to the disposal as may be prescribed to such person as may be prescribed).

16 In section 6(2) (under which a local authority are not entitled to exercise their power too remove refuse other than motor vehicles which is situated on land appearing to the authority to be occupied by any person unless they have given him notice in the prescribed manner that they propose to remove it and he has failed to object to the proposal in the prescribed manner and within the prescribed period) omit “in the prescribed manner” and “in the prescribed manner and”.

SCHEDULE 4

Section 1(4).

RELAXATION OF CONTROLS OVER FUNCTIONS  
RELATING TO WEIGHTS AND MEASURES AND TRADE

*Shops Act 1950 (c. 28)*

1 (1) In section 8(1) (closing orders) omit the words “and confirmed by the Secretary of State in manner provided by this Act”.

(2) In section 9 (procedure for making closing orders) omit—

- (a) in subsection (2), the words from “and the order” to the end, and
- (b) subsection (3).

(3) Omit section 10 (local inquiries for the purpose of promoting and facilitating early closing).

<sup>F331</sup>(4) . . . . .



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### Textual Amendments

**F331** Sch. 4 para. 1(4) repealed (1.1.1996) by 1994 c. 40, s. 81, Sch. 17; S.I. 1995/2835, art. 2

### Modifications etc. (not altering text)

**C135** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *Weights and Measures Act 1963 (c. 31)*

**F332** 2—9. ....

### Textual Amendments

**F332** Sch. 4 paras. 2–9, 11, 12 repealed by Weights and Measures Act 1985 (c. 72, SIF 131), s. 98, Sch. 13 Pt. I

### *Trade Descriptions Act 1968 (c. 29)*

### *Consumer Credit Act 1974 (c. 39)*

### *Estate Agents Act 1979 (c. 38)*

- 10 The following provisions (all of which confer default powers), namely—
- (a) in the Trade Descriptions Act 1968, section 26(3) and (4);
  - (b) in the Consumer Credit Act 1974, section 161(4), (5) and (6); and
  - (c) in the Estate Agents Act 1979, section 26(5), (6), (7) and (8),
- shall cease to have effect.

### Modifications etc. (not altering text)

**C136** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *Weights and Measures Act 1979 (c. 45)*

**F333** 11, ....  
 12.

**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

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### Textual Amendments

**F333** Sch. 4 paras. 2–9, 11, 12 repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 98, [Sch. 13 Pt. I](#)

## SCHEDULE 5

Section 1(5).

### ALLOTMENTS

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

**C137** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### *Small Holdings and Allotments Act 1908 (c. 36)*

- 1 Omit—
  - (a) in section 28(3) (rules to be confirmed), the words from “Rules under this section” to the end;
  - (b) in section 32(2) (approval of application of money), the words “and which is approved by the Local Government Board”;
  - (c) in the proviso to section 47(1) (appeal against prohibition relating to allotment), the words from “but, if the tenant feels aggrieved” to the end;
  - (d) in section 49(2) (power to make grants or advances or give guarantees with consent), the words “with the consent of, and subject to regulations made by, the Local Government Board”.
- 2 Omit section 54 (accounts and application of receipts) and section 59 (annual report to Parliament).

#### *Land Settlement (Facilities) Act 1919 (c. 59)*

- 3 In section 22(1) (consent to and conditions of appropriation of land) omit the words from “with the consent” to “may impose”.

#### *Allotments Act 1922 (c. 51)*

- 4 Omit section 20 (default powers).

#### *Allotments Act 1925 (c. 61)*

- 5 Omit section 13 (records of lands acquired under the Allotments Acts).

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## SCHEDULE 6

Section 1(6).

### RELAXATION OF CONTROLS OVER CHARGES AND RATES OF INTEREST ETC.

#### *Town Police Clauses Act 1847 (c. 89)*

- 1 In section 46 of the Town Police Clauses Act 1847 (drivers of hackney carriages not to act without first obtaining a licence) for the words from “and a fee” to “paid” there shall be substituted the words “ and such fees as the commissioners may determine shall be paid ”.

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

**C138** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**F334** 2, 3. . . . .

#### **Textual Amendments**

**F334** Sch. 6 paras. 2, 3 repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 47, **Sch. 7 Pt. IV**

#### *Public Health Act 1936 (c. 49)*

- 4 In section 291(3) (rates of interest on charges for works)—
- (a) after the word “such” there shall be inserted the word “ reasonable ”; and
  - (b) the proviso shall cease to have effect.

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

**C139** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### *Coast Protection Act 1949 (c. 74)*

- 5 In section 10(2) of the Coast Protection Act 1949 (regulations as to rates of interest) for the words from “rate” to the end there shall be substituted the words “ reasonable rate as may be determined by the authority ”.

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

**C140** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *Rag Flock and Other Filling Materials Act 1951 (c. 63)*

6 In the following provisions of the Rag Flock and Other Filling Materials Act 1951, namely—

- (a) section 2(1) (which requires the payment of a fee of £2 for the registration of premises for the purposes of the Act);
- (b) section 6(1) (which requires the payment of a fee of that amount for the grant or renewal of a licence authorising a person to manufacture rag flock on any premises);
- (c) section 7(1) (which requires the payment of a fee of that amount for the grant or renewal of a licence authorising a person to store rag flock on any premises for use on premises registered under the Act).

for the words “£2“ there shall be substituted the words “ such reasonable amount as the authority may determine ”.

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

**C141** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>F335</sup>7—9. ....

#### Textual Amendments

**F335** Sch. 6 paras. 7–9, 17–20 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)

### *Public Libraries and Museums Act 1964 (c. 75)*

10 In section 8(2) of the Public Libraries and Museums Act 1964 (charges for services) the words “noot exceeding such amount as may be specified in that behalf by the Secretary of State” shall cease to have effect.

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

**C142** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Theatres Act 1968 (c. 54)*

- 11 In paragraph 3 of Schedule 1 to the Theatres Act 1968 (fees for licences) for the words “fee as may be prescribed by the Secretary of State by order made by statutory instrument” there shall be substituted the words “reasonable fee as the authority may determine”.

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

**C143** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Mines and Quarries (Tips) Act 1969 (c. 10)*

- 12 In section 23(5) of the Mines and Quarries (Tips) Act 1969 (expenses) for the words “rate as may be specified by order made by the Minister” there shall be substituted the words “reasonable rate as the authority may determine”.

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

**C144** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Poisons Act 1972 (c. 66)*

- 13 In section 5(3) of the Poisons Act 1972 for the words “the prescribed fees” there shall be substituted the words “any fees determined by the authority under section 6(2) below”.
- (2) In section 6(2) of that Act for the words “fees as may be prescribed” there shall be substituted the words “reasonable fees as the authority may determine”.

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

**C145** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Greater London Council (General Powers) Act 1972 (c. xl)*

- 14 In section 19(6)(a) of the Greater London Council (General Powers) Act 1972 (by virtue of which a London borough council may recover expenses in respect of the restoration of gas and electricity services, together with interest) after the word “thereon” there will be inserted the words “ at such reasonable rate as the borough council may determine ”.

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

**C146** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Breeding of Dogs Act 1973 (c. 60)*

- 15 (1) In section 1(2) of the Breeding of Dogs Act 1973 for the words “sum as the Secretary of State may by order” there shall be substituted the words “ reasonable sum as the authority may ”.
- (2) Sub-paragraph (1) above does not extend to Scotland.

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

**C147** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Local Government (Scotland) Act 1973 (c. 65)*

- 16 In section 121(1) omit the words “section 10(2) of the Coast Protection Act 1949” and “section 23(5) of the Mines and Quarries (Tips) Act 1969”.

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

**C148** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

F336 17— .....  
20.

#### Textual Amendments

**F336** Sch. 6 paras. 7–9, 17–20 repealed (E.W.) by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)

#### *Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

21 In the following provisions of the Local Government (Miscellaneous Provisions) Act 1976, namely—

- (a) section 24(6) (expenses in relation to dangerous trees); and
- (b) section 33(3) (expenses in relation to the restoration or continuation of a supply of water, gas or electricity),

for the words “the rate fixed by section 171(2) of the Local Government Act 1972”, in both places where they occur, there shall be substituted the words “ such reasonable rate as the council may determine ”.

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

**C149** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## SCHEDULE 7

Section 1(7), (8).

### PART I

#### HIGHWAYS

#### *Relaxation of Ministerial controls over the provision of ferries*

1 (1) So much of section 53 of the <sup>M154</sup>National Parks and Access to the Countryside Act 1949 (ferries for purposes of long-distance routes)—

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- (a) as makes the exercise of a highway authority's powers subject to the approval of any Minister; or
  - (b) as confers upon any Minister any power to give a local highway authority directions,
- shall cease to have effect.

(2)<sup>F337</sup>

#### Textual Amendments

**F337** Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), **Sch. 25**

#### Marginal Citations

**M154** 1949 c. 97 (46:1).

### *Relaxation of Ministerial controls in respect of footpaths and bridleways*

2 (1)

<sup>F338</sup>(2) In section 30 of that Act (which relates to the making up of new footpaths and bridleways)—

- (a) subsections (2) and (3) (which relate to the settlement by the Secretary of State of disputes as to works for that purpose) shall cease to have effect; and
- (b) in subsection (4) (which relates to the carrying out of such works and the recovery of expenses incurred in carrying them out), for the words from the beginning to “thereof”, in the first place where it occurs, there shall be substituted the words “It shall be the duty of the highway authority to carry out any works specified in a certificate under subsection (1) of this section”.

(3)

<sup>F338</sup>(5) In section 126 of that Act (authorisation of erection of stiles etc. in footpath or bridleway) subsection (2) which gives the Secretary of State power to determine certain disputes about such authorisation) shall cease to have effect.

(6) In section 29(4) of the <sup>M155</sup>Countryside Act 1968 (by virtue of which a highway authority are required to consult the Minister of Agriculture, Fisheries and Food before refusing to make an order under that section relating to the making good of the surface of a footpath or bridleway after it has been ploughed up) the words “and the highway authority shall before refusing to make an order under subsection (2) of this section consult the Minister of Agriculture, Fisheries and Food” shall cease to have effect.

#### Textual Amendments

**F338** Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), **Sch. 25**

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

**C150** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted:



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#### Marginal Citations

**M155** 1968 c. 41.

### *Abolition of Ministerial powers in respect of certain expenses*

3 (1)

<sup>F339</sup>(2) The proviso to section 211(3) of that Act (by virtue of which an order may fix the maximum amount to be charged under a charging order in respect of expenditure on street works) shall cease to have effect.

(3)<sup>F339</sup>

#### Textual Amendments

**F339** Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by Highways Act 1980 (c. 66, SIF 59), **Sch. 25**

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

**C151** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *Abolition of Ministerial powers in relation to toll highways*

4 In section 233 of the Highways Act 1959 (transfer of toll highways to highway authorities)—

- (a) in subsection (2) (by virtue of which a right to charge highway tolls which is transferred to a county council continues to be exercisable for such number of years only as may be allowed, where the county is in England, by the Minister of Transport, and where it is in Wales, by the Secretary of State) the words from “but” to the end shall cease to have effect; and
- (b) in subsection (5) (by virtue of which agreements in relation to toll highways may only be made between two or more county councils with the approval, where their counties are in England, of the Minister of Transport, and where they are in Wales, of the Secretary of State) the words “subject to the approval of the Minister” shall cease to have effect.

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

**C152** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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F340 5

#### Textual Amendments

**F340** Sch. 7 Pt. I paras. 1(2), 2(1)(3)(4), 3(1)(3), 5 repealed by Highways Act 1980 (c. 66, SIF 59), Sch. 25

#### *Abolition of certain procedures for settlement of disputes by Minister*

- 6 (1) This paragraph shall have effect for the purpose of abolishing certain powers of the Secretary of State or the Minister of Transport to determine disputes.
- (2) The following subsection shall be substituted for section 5(3) of the <sup>M156</sup>Local Government (Miscellaneous Provisions) Act 1953 (provision of omnibus shelters etc. by local authorities) :—
- “(3) Where the consent of the Secretary of State or the Minister of Transport is required under this section, disputes between the Minister whose consent is required and the local authority as to whether the consent of that Minister is unreasonably withheld or is given subject to reasonable conditions, or whether the removal of any shelter or other accommodation in accordance with any condition of the consent is reasonable required shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers.”.
- (3) In section 108(10) of the <sup>M157</sup>Highways Act 1959 (which provides that any consent of an authority which is required for the diversion of a highway shall not be unreasonably withheld) the words “and any question arising under this subsection whether the withholding of a consent is unreasonable shall be determined by the Minister” shall cease to have effect.
- (4) Section 246(2) of that Act (disputes as to nature of sums paid or recovered under Act) shall cease to have effect.
- (5)
- <sup>F341</sup>(6) Section 29(3) of the <sup>M158</sup>Local Government Act 1966 (which gives a lighting authority a right to appeal in case of dispute as to the exercise of their powers for purposes of the lighting of a highway for which they are not the highway authority) shall cease to have effect.

#### Textual Amendments

**F341** Sch. 7 Pt. I para. 6(5) repealed by Litter Act 1983 (c. 35, SIF 100:3), s. 12(3), Sch. 2

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

**C153** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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#### Marginal Citations

M156 1953 c. 26.

M157 1959 c. 25.

M158 1966 c. 42.

#### *Abolition of certain Ministerial controls relating to structures on and near highway*

- 7 The following provisions, namely—
- (a) in the <sup>M159</sup>Highways Act 1959—
    - (i) the proviso to section 73(1) (requirement to notify of proposed building lines for classified roads); and
    - (ii) sections 95 and 96 (regulations about cattlegrids);
  - and
  - (b) section 120 of the Transport Act 1968 (orders prescribing minimum heights for parapets of bridges carrying roads over railways);
- shall cease to have effect.

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

**C154** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

M159 1959 c. 25.

#### *Miscellaneous amendments of Highway Acts and associated legislation*

- 8 (1) Section 280(2), (3) and (4) of the Highways Act 1959 (which give powers to prescribe the form of various notices, orders, advertisements, certificates and other documents and provide that if forms are prescribed in exercise of those powers, those forms or forms to the like effect shall be used in all cases to which those forms are applicable) shall cease to have effect.
- (2) The following enactments, namely—
- (a) section 288 of the Highways Act 1959;
  - (b) section 16(4) of the Highways (Miscellaneous Provisions) Act 1961; and
  - (c) Section 85 of the Highways Act 1971,
- each of which gives a power to repeal or amend local Acts) shall cease to have effect.
- (3) The repeal of the enactments specified in sub-paragraph (2) above shall not affect any application made under any of them before the passing of this Act; and any power conferred by any of them may accordingly be exercised after the passing of this Act in pursuance of any application.
- (4) Any order made under an enactment specified in sub-paragraph (2) above shall continue to have effect notwithstanding the repeal of that enactment.

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### Modifications etc. (not altering text)

**C155** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**F342** 9— .....  
13.

### Textual Amendments

**F342** Sch. 7 Pt. II paras. 9–13 repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 14

### *Traffic on bridges etc.*

- 14 (1) The following enactments (which relate to the control of traffic on bridges and, amongst other things, give certain powers in relation to its control) shall cease to have effect—
- section 6 of the <sup>M160</sup>Locomotive Act 1861;
  - section 7 of the <sup>M161</sup>Locomotives Act 1898;
  - section 11 of the <sup>M162</sup>Ministry of Transport Act 1919;
  - section 17 of the <sup>M163</sup>Road Traffic Regulation Act 1967.
- (2) Nothing in sub-paragraph (1) above shall effect—
- any requirement to obtain consent under section 6 of the <sup>M164</sup>Locomotive Act 1861 which subsists at the passing of this Act by virtue of the placing of a notice on any bridge, or an liability for failure to obtain consent under that section; or
  - any appeal to the Minister of Transport or, as the case may be, to the Secretary of State, under section 7 of the <sup>M165</sup>Locomotives Act 1898 or section 11 of the <sup>M166</sup>Ministry of Transport Act 1919 which is pending on the passing of this Act.
- (3) From the passing of this Act any notice placed on a bridge by authority of a person such as is mentioned in section 6 of the <sup>M167</sup>Locomotive Act 1861 shall be deemed to have been placed there—
- if the bridge is outside Greater London, in pursuance of an order under section 1 of the Road Traffic Regulation Act [<sup>F343</sup>1984], and
  - if it is in Greater London, in pursuance of an order under section 6 of that Act.
- (4) Nothing in this paragraph affects a bridge which does not carry a road (within the meaning of [<sup>F344</sup>section 142] of the Road Traffic Regulation Act [<sup>F343</sup>1984])

### Textual Amendments

**F343** Word substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 13 para. 38(a)

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**F344** Words substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, **Sch. 13 para. 38(b)**

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

**C156** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M160** [1861 c. 70](#).  
**M161** [1898 c. 29](#).  
**M162** [1919 c. 50](#).  
**M163** [1967 c. 76](#).  
**M164** [1861 c. 70 \(107:1\)](#).  
**M165** [1898 c. 29 \(107:1\)](#).  
**M166** [1919 c. 50 \(126\)](#).  
**M167** [1861 c. 70 \(107:1\)](#).

*Miscellaneous*

- 15 (1) Section 1(9) of the Road Traffic Regulation Act 1967 (power of appropriate Minister to repeal local Acts extending the powers of section 26 of the <sup>M168</sup>Road Traffic Act 1960) shall cease to have effect.
- (2) Any order made under section 1(9) of the Road Traffic Regulation Act 1967 shall continue to have effect notwithstanding the repeal of that subsection.

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

**C157** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M168** [1960 c. 16](#)

SCHEDULE 8

Section 53.

ENACTMENTS MENTIONED IN SECTION 53(11)(C)

Chapter	Short title	Extent of repeal
1974 c. 7.	Local Government Act 1974.	Sections 1(1) to (7). Sections 2 to 5.

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		In section 10, in subsection (1), the words following paragraph (f) and in subsection (2), the definition of “the amount available for grant”, “the appropriate Minister”, “the domestic element”, “the needs element”, and “the resources element”. Schedule 2.
1976 c. 52.	Lotteries and Amusements Act 1976.	In Schedule 4, paragraph 9.
1980 c. 20.	Education Act 1980.	Section 32. Schedule 6.

SCHEDULE 9

Section 55.

DOMESTIC RATE RELIEF GRANT

- Reduction of rates by reference to domestic rate relief grant*
- 1
- (1) In each year an amount in the pound shall be specified in the Rate Grant Support for the purposes of section 48 of the <sup>M169</sup>General Rate Act 1967 (reduction of rates on dwellings).

(2) Different amounts in the pound may be specified under sub-paragraph (1) above for different rating areas.

(3) In specifying the amount or amounts in the pound under this paragraph for any year the Secretary of State shall seek to secure that the total amount of the reduction under section 48 of the General Rate Act 1967 for all rating areas will correspond to the aggregate amount of the domestic rate relief grant.

(4) In this paragraph “rating area” has the same meaning as in the General Rate Act 1967.

**Marginal Citations**  
M169 1967 c. 9 (103:1, 2).

- Distribution of domestic rate relief grant*
- 2
- (1) the amount of the domestic rate relief grant payable to a local authority for any year shall be calculated by multiplying the aggregate amount of the domestic rate relief grant by

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$$\frac{a}{A}$$

where—

a is the domestic rateable value of the area of the local authority for the year multiplied by the amount of the reduction specified in relation to that area in the Rate Support Grant Report, and

A is the aggregate of the amounts calculated as for a in respect of each local authority entitled to receive domestic rate relief in the year.

- (2) For the purposes of this paragraph the domestic rateable value of the area of a local authority shall be the amount, divided by two, of the aggregate of the rateable values of dwelling houses in the area shown in the valuation list on 1st April and 31st March in the year as certified by the valuation officer.
- (3) No payment in respect of the domestic rate relief grant shall be made to the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple if no rate in the nature of a general rate is levied in the Temple in question during the year.

*Apportionment of rate reductions in the City of  
London by reference to the domestic rate relief grant*

- 3 (1) Section 48 of the General Rate Act 1967 (which provides for the reduction of rates on dwellings by reference to the domestic rate relief grant) and paragraph 1 above shall, in their application to the City of London, have effect subject to the provisions of this paragraph.
- (2) Reductions of rates under the said provisions shall be apportioned between the poor rate and the general rate in the relevant proportions (taken to the nearest whole penny).
- (3) Payments in respect of the domestic rate relief grant shall be treated as being, in the relevant proportions, the proceeds of the poor rate and the general rate.
- (4) In this paragraph “the relevant proportions” means the proportions which, for the year, the number of pence in the pound of the poor rate and the general rate bear respectively to the aggregate of the number of pence in the pound of both the said rates.



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## SCHEDULE 10

Section 63

### ADJUSTMENT OF BLOCK GRANT IN CONNECTION WITH EDUCATION ETC.

#### <sup>F345</sup>PART I

.....

#### Textual Amendments

**F345** Sch. 10 Pt. I repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 160(3), 236, 237, Sch. 13 Pt. II

#### PART II

#### OTHER ADJUSTMENTS BETWEEN AUTHORITIES

##### *Introduction*

- 4 (1) The block grant payable to a local authority in England, and that payable to a local authority in Wales, shall be subject to adjustment in accordance with paragraphs 5 and 6 below.
- (2) Those paragraphs shall be administered separately and may be administered differently, in England and Wales, and references in them to regulations, to a local authority or local authorities and to a local education authority or local education authorities shall be construed accordingly, except where the wording of paragraph 5(5)(a) otherwise requires.

##### *Expenditure other than on advanced further education*

- 5 (1) Regulations may provide for ascertaining the aggregate of the expenditure to which this paragraph applies of all local authorities, for apportioning the aggregate among the authorities and for ascertaining the amount by which the block grant payable to each authority ought to be increased or decreased.
- (2) The Secretary of State shall, in accordance with regulations under this paragraph, ascertain at such time as may be specified by the regulations—
- (a) the estimated amount of the increases and decreases of the block grant which ought to be made for any year, and
  - (b) the actual amount of these increases and decreases.
- and he shall in paying the block grant for any year adjust the amount of that grant in accordance with the estimated amounts so ascertained and shall in paying that grant for the earliest practicable subsequent year make any adjustment necessary to offset differences between the estimated and actual amounts so ascertained.
- (3) Subject to sub-paragraphs (4) and (5) below, this paragraph applies to such expenditure as may be specified by regulations, being—



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- (a) expenditure, other than that to which paragraph 6 below applies, incurred by local authorities in the exercise of their functions as local education authorities;
  - (b) expenditure incurred by local authorities on research into any of their functions, in the training of persons in matters connected with the functions of local authorities or in respect of persons to whom the training is given.
- (4) Regulations specifying expenditure of any description under sub-paragraph (3) above may provide that only a specified proportion of that expenditure shall be expenditure to which this paragraph applies.
- (5) Regulations under sub-paragraph (3)(a) above shall apply this paragraph to—
- (a) expenditure incurred by local education authorities in the making of provision for primary and secondary education in respect of pupils not belonging to the area of any local education authority in England or Wales or to the area of any education authority in Scotland; and
  - (b) expenditure, other than that to which paragraph 6 below applies, incurred by local education authorities in the making of provision for further education in respect of such pupils.

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

**C158** Sch. 10 Pt. 1 para. 5 modified by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 147(9)(10)

**C159** Para. 5 modified by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), s. 160(4)

**C160** Para. 5(3)(a)(5)(b) modified by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), s. 160(2)

*Expenditure on advanced further education*

- 6 (1) Regulations may provide—
- (a) for the specification by the Secretary of State, in advance for each year, of the amount of expenditure to which this paragraph applies which is to be taken into account for the purposes of regulations in relation to that year;
  - (b) for enabling him to specify additional amounts of such expenditure which are to be so taken into account;
  - (c) for the apportioning among local authorities, under or in accordance with the regulations, either the whole of a part specified by or in accordance with the regulations of—
    - (i) the amount specified for any year as mentioned in paragraph (a) above;
    - (ii) any additional amount specified for the year as mentioned in paragraph (b) above;
- and for informing local authorities of the shares apportioned to them respectively;
- (d) for the specification, under or in accordance with regulations, of the appropriate contribution of each local authority to the expenditure apportioned as mentioned in paragraph (c) above;
  - (e) for ascertaining the amount by which the block grant payable to each authority ought to be increased or decreased by reference to the share apportioned to it as compared with its appropriate contribution.

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- (2) The Secretary of State shall in paying the block grant for any year adjust the amount of that grant in accordance with the amount ascertained as mentioned in sub-paragraphs (1)(e) above.
- (3) This paragraph applies to such expenditure incurred by local authorities in connection with further education of an advanced character, including the training of teachers, as may be specified for the purposes of this paragraph by or under regulations.

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

**C161** Para. 6 excluded by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), s. 160(1)

**C162** para. 6 modified by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), s. 160(4)

### PART III

#### GENERAL

##### *Information*

- 7 (1) Regulations may make provision requiring local authorities to furnish the Secretary of State, at such times and in such manner and form as may be specified in the regulations, with such estimates of their expenditure and with such other information required by him for the purpose of this Schedule as may be so specified.
- (2) Regulations under this paragraph may make different provisions in relation to authorities in England and authorities in Wales.

##### *Consultation*

- 8 (1) Before doing any of things mentioned in sub-paragraph (2) below, the Secretary of State shall consult such associations of local authorities as appear to him to be concerned and any local authority with whom consultation appears to him to be desirable.
- (2) The things are:—
  - (a) making regulations under this Schedule;
  - (b) ascertaining an amount under paragraph 1(3) above;
  - (c) fixing an amount under paragraph 1(4) above;
  - (d) specifying an amount under paragraph 6(1)(a) above.

##### *Regulations*

- 9 References in this Schedule to regulations are to regulations made by the Secretary of State by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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Interpretation

10           Section 38(5) of the <sup>M170</sup>Education Act 1980 (individuals treated as belonging to areas of local education authorities) applies for the purposes of this Schedule as for those of that Act.

**Marginal Citations**  
**M170** 1980 c. 20 (41:1).

<sup>F346</sup>SCHEDULE 11

.....

**Textual Amendments**  
**F346** Sch. 11 repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38, **Sch. 6 Pt. III**

<sup>F347</sup>SCHEDULE 12

.....

**Textual Amendments**  
**F347** Sch. 12 repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(2), **Sch. 12 Pt. I**

SCHEDULE 13 Section 81.

<sup>F348</sup>1—8. ....

**Textual Amendments**  
**F348** Sch. 13 Pt. I paras. 1–8 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

<sup>F349</sup>9. ....

**Textual Amendments**  
**F349** Sch. 13 Pt. I para. 9, Pt. II para. 10 repealed by London Regional Transport Act 1984 (c. 32, SIF 126), **s. 71(3)(b)**, Sch. 7

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**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.  
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F350 10 .....

Textual Amendments

**F350** Sch. 13 Pt. I para. 9, Pt. II para. 10 repealed by London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3)(b), Sch. 7

F351 SCHEDULE 14

.....

Textual Amendments

**F351** Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

SCHEDULE 15

Section 90.

F352 1 .....

Textual Amendments

**F352** Sch. 15 para. 1 repealed by Housing and Planning Act 1986 (c. 63, SIF 75:3), s. 49(2), **Sch. 12 Pt. III**

F353 2—  
15. ....

Textual Amendments

**F353** Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

F354 16 .....

Textual Amendments

**F354** Sch. 15 para. 16 repealed by Housing and Planning Act 1986 (c. 63, SIF 123:1), **Sch. 12 Pt. III**

F355 17—  
20. ....

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#### Textual Amendments

**F355** Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1 Pt. I**

**F356** 21 . . . . .

#### Textual Amendments

**F356** Sch. 15 para. 21 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**F357** 22 . . . . .

#### Textual Amendments

**F357** Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1 Pt. I**

**F358** 23 . . . . .

#### Textual Amendments

**F358** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1 Pt. I**

**F359** 24 . . . . .

#### Textual Amendments

**F359** Sch. 15 para. 24, Sch. 16 para. 3, Sch. 32 Pt. III para. 23(3) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**

**F360** 25—  
28. . . . .

#### Textual Amendments

**F360** Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1 Pt. I**

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## SCHEDULE 16

Section 93.

### BODIES TO WHOM PART X APPLIES

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

**C163** Sch. 16 extended by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 15**  
Sch. 16 extended (5.7.1994) by [1994 c. 19](#), ss. 39, 66(2), **Sch. 13 para. 25(a)** (with ss. 54(5)(7), 55(5),  
Sch. 17 paras. 22(1), 23(2))

[<sup>F361</sup>1A A county borough council.]

#### Textual Amendments

**F361** Sch. 16 para. 1A inserted (1.4.1996) by [1994 c. 19](#), s. 66(6), **Sch. 16 para. 59(5)**; S.I. 1996/396, art. 4, **Sch. 2**

1 A county council.

2 A district council.

<sup>F362</sup>3 .....

#### Textual Amendments

**F362** Sch. 15 para. 24, Sch. 16 para. 3, Sch. 32 Pt. III para. 23(3) repealed by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 102, **Sch. 17**

4 A London borough council.

5 The Common Council of the City of London.

[<sup>F363</sup><sup>F364</sup>5A .....]

#### Textual Amendments

**F363** Paras. 5A, 5B inserted by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 59(1)(g)**

**F364** Para. 5A repealed (1.4.1990) by [Education Reform Act 1988](#) (c. 40, SIF 41:1), s. 237, **Sch. 13**, Pt. I

5B A joint authority established by Part IV of the Local Government Act 1985.

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

**C164** Para. 5B amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 4(5)**

VALID FROM 03/07/2000

[<sup>F365</sup>5BB The London Fire and Emergency Planning Authority.]

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#### Textual Amendments

**F365** Sch. 16 para. 5BB inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 33** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**

[<sup>F366</sup>5C A police authority established under [<sup>F367</sup>section 3 of the Police Act 1996].]

#### Textual Amendments

**F366** Sch. 16 para. 5C inserted (1.10.1994 for certain purposes and 1.4.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 22**; S.I. 1994/2520, **art. 6(1)(2)(6)**; S.I. 1994/3262, art. 4, **Sch.**

**F367** Words in Sch. 16 para. 5C substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. I para. 1(2)(p)**

VALID FROM 03/07/2000

[<sup>F368</sup>5CC The Metropolitan Police Authority.]

#### Textual Amendments

**F368** Sch. 16 para. 5CC inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 44(2)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

VALID FROM 01/04/1998

[<sup>F369</sup>5D The Service Authority for the National Crime Squad.]

#### Textual Amendments

**F369** Sch. 16 para. 5D inserted (1.4.1998) by 1997 c. 50, s. 88, **Sch. 6 para. 16**; S.I. 1998/354, **art. 2(1)(2)(au)**

6 The Commission for the New Towns.

7 A development corporation established under the [<sup>F370M171</sup>New Towns Act 1981]

#### Textual Amendments

**F370** Words substituted by **New Towns Act 1981** (c. 64, SIF 123), s. 81, **Sch. 12 para. 28(d)**

#### Marginal Citations

**M171** 1981 c. 64 (123:3).

8 An urban development corporation established under this Act.

[<sup>F371</sup>8A A housing action trust established under Part III of the Housing Act 1988.]

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#### Textual Amendments

**F371** Sch. 16 para. 8A inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 28**

9 The Housing Corporation.

[<sup>F372</sup>9a Housing for Wales.]

#### Textual Amendments

**F372** Sch. 16 para. 9a inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. II para. 104**

<sup>F373</sup>10 .....

#### Textual Amendments

**F373** Sch. 16 para. 10 repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. I**

11 The Civil Aviation Authority.

12 British Shipbuilders.

<sup>F374</sup>13 .....

#### Textual Amendments

**F374** Sch. 16 para. 13 repealed by [British Steel Act 1988 \(c. 35, SIF 70\)](#), s. 16(3), **Sch. 2 Pt. I**

14 [<sup>F375</sup>The Coal Authority]

#### Textual Amendments

**F375** Words in Sch. 16 para. 14 substituted (31.10.1994) by [1994 c. 21, s. 67](#), **Sch. 9 para. 25(2)** (with ss. 40(7), 66); [S.I. 1994/2553](#), **art. 2**

15 The British Broadcasting Corporation.

<sup>F376</sup>16 .....

#### Textual Amendments

**F376** Sch. 16 para. 16 repealed by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(3), **Sch. 21** (with ss. 4(6), 87(6), [Sch. 12 Pt. II para. 1](#))

17 The Post Office.

[<sup>F377</sup>17A The National Rivers Authority]



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### Textual Amendments

**F377** Sch. 16 para. 17A inserted by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 61(6)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), **58**

## 18 Statutory undertakers.

In paragraph 18 above “statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, road transport, water transport, canal inland navigation, dock or harbour undertaking, or any undertaking for the supply of <sup>F378</sup>, <sup>F379</sup> [<sup>F380</sup> or hydraulic power]

Provided that where any persons carry on a business to the main purpose of which any such undertaking is merely ancillary those persons shall not be treated as statutory undertakers for the purposes of paragraph 18 above.

### Textual Amendments

**F378** Word repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 paras. 33, 35(1), **Sch. 18**

**F379** Word repealed by [Gas Act 1986 \(c. 44, SIF 44\)](#), s. 67(4), **Sch. 9 Pt. I**

**F380** Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 61(6)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), **58**

## SCHEDULE 17

Section 101.

### COMMUNITY LAND ACT

### PART I

#### PRELIMINARY

- 1 (1) In this Schedule “the 1975 Act” means the <sup>M172</sup>Community Land Act 1975.
- (2) In this Schedule references to sections, Schedules and Parts are to those of the 1975 Act (unless the contrary is indicated).
- (3) In this Schedule “the 1971 Act” means the <sup>M173</sup>Town and Country Planning Act 1971 and “the Scottish Act of 1972” means the <sup>M174</sup>Town and Country Planning (Scotland) Act 1972.

### Marginal Citations

**M172** 1975 c. 77.

**M173** 1971 c. 78 (123:1).

**M174** 1972 c. 52 (123:2).

**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

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## PART II

### REPEALS

- 2 Subject to the following provisions of this Schedule, the 1975 Act shall be repealed on the passing of this Act.
- 3 (1) The following provisions of the 1975 Act shall be repealed on the appointed day:—  
 section 1 (authorities),  
 section 2 (joint boards),  
 in section 6, in subsection (1) the definitions of enactment, local authority and new town authority, and subsection (6),  
 section 7 and Schedule 2 (appointed days etc.),  
 section 26 (compensation payable in transaction between certain authorities),  
 section 40 (grants to authorities who buy or rent Crown land),  
 section 43 (accounts and records),  
 section 44 (community land surplus accounts), except (in subsection (3) the words from “or (b)” to the end,  
 section 51 (power to obtain information),  
 section 52 (service of documents),  
 section 53 (orders),  
 section 54 (directions and consents),  
 section 55 (local inquiries),  
 section 56 (offences by corporations),  
 section 57 (finance),  
 section 58 (extent etc.).
- (2) In sub-paragraph (1) above “the appointed day” means, in relation to any provision of the 1975 Act, the day appointed for its repeal by an order of the Secretary of State made by statutory instrument.
- (3) Different days may be so appointed in relation to different provisions of the 1975 Act or for different purposes in relation to any such provision.

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

**C165** Power of appointment conferred by para. 3(2) fully exercised in England, Scotland and Wales : 1.6.1983 appointed by [S.I. 1983/673](#), [art. 2](#)

## PART III

### PROVISIONS RE-ENACTED ETC.

- 4 Part XII of this Act includes provisions re-enacting or superseding certain provisions of the 1975 Act (in particular, Part II) relating to the Land Authority for Wales.
- 5 Each provision of the 1975 Act mentioned in column 1 below is re-enacted (in certain cases with modifications) in the corresponding provision of this Act mentioned in column 2—

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1975 ACT	THIS ACT
Section 37 (acquisition and disposal of land by the Crown)	Section 122
Section 38 (acquisition of land by Crown in Northern Ireland)	Section 123
[ <sup>F381</sup> Section 41 (exclusion of special parliamentary procedure)]	[ <sup>F381</sup> Section 120]
Section 47 (certification of appropriate alternative development)	Section 121
In Schedule 10 (minor and consequential amendments)—	
paragraph 2	Schedule 33, paragraph 1
paragraph 3	Schedule 33, paragraph 3
paragraph 4(1) to (3) and (5)	Schedule 33, paragraph 5
paragraph 5(1) to (3) and (5)	Schedule 33, paragraph 7
paragraph 6(1)(a)	Schedule 15, paragraph 2
paragraph 7(1)(a)	Section 92(1)
paragraph 8(2)	Schedule 33, paragraph 13

#### Textual Amendments

**F381** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**

## PART IV

### SAVINGS AND SUPPLEMENTARY

#### *General*

- 6 This Part of this Schedule contains savings and supplementary provisions in respect of certain provisions of the 1975 Act repealed by this Act.

#### *Offences*

- 7 No repeal by section 101 above and this Schedule affects liability for any offence committed before the repeal takes effect.

#### *Suspension of planing permission*

- 8 (1) Sub-paragraphs (2) to (5) below shall have effect in consequence of the repeal by this Act of section 22.
- (2) Where planning permission has been suspended under section 19 or 20—

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- (a) no enforcement notice under Part V of the 1971 Act or under Part V of the Scottish Act of 1972 may be served after the passing of this Act if it could not have been served before then apart from section 22(1);
  - (b) if such a notice has been served before the passing of this Act and it could not have been served apart from section 22(1), the notice shall be disregarded (subject to paragraph 7 above, which has the effect of saving liability for an offence committed before the repeal of section 22(1).
- (3) Where planning permission has been suspended under section 19 or 20, in determining, after the passing of this Act, the value of any land for the purpose of compensation, section 22(2) and (3) shall be ignored.
- (4) Where—
  - (a) planning permission has been suspended under section 19 or 20, and
  - (b) by virtue of section 22(6) the right to serve a blight notice has arisen in respect of an interest in any land (“the blighted land”), and
  - (c) a notice has been served in respect of the interest before the passing of this Act,
 then, notwithstanding the repeal of section 22, 192(1) of the 1971 Act (and in Scotland section 181(1) of the Scottish Act of 1972) shall continue to have effect as if the land specified therein included the blighted land.
- (5) Where planning permission has been suspended under section 19 or 20 and a time limit is accordingly extended under section 22(7), the period of the extension shall expire on the ending of the suspension by virtue of this Act (if it has not expired before then.)

#### *Land Authority for Wales*

- 9        The following provisions of this Schedule do not apply to the Land Authority for Wales (in relation to which Schedule 22 below contains savings etc.).

#### *Land*

- 10      (1) This paragraph applies where a compulsory purchase order has been made, or a binding contract has been entered into to acquire land, before the passing of this Act.
- (2) In that case, section 15 shall continue to apply as it applied immediately before the passing of this Act, which shall for this purpose be treated as not having been passed.
- 11      (1) Where, immediately before the passing of this Act, an authority holds land for the purposes of Part III, the land shall on the passing of this Act be treated as follows.
- (2) Land held by the council of a county, district or London borough, the Common Council of the City of London, the Greater London Council or the Council of the Isles of Scilly shall be treated as if it had been acquired by the council concerned for planning purposes (within the meaning of section 133(1) of the 1971 Act).
- (3) Land held by a regional, general or district planning authority shall be treated as if it had been acquired by the authority concerned for planning purposes (within the meaning of section 122(1) of the Scottish Act of 1972).

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- (4) Land held by a new town authority (that is, a development corporation as defined in section 2 of the <sup>M175</sup>New Towns Act 1965, or in section 2 of the <sup>M176</sup>New Towns (Scotland) Act 1968) shall be treated as if it had been acquired by the authority under that Act.
- (5) Land held by the Peak Park Joint Planning Board or the Lake District Special Planning Board shall be treated as if it had been acquired by the Board concerned under section 119 of this Act.

#### Marginal Citations

**M175** 1965 c. 59.

**M176** 1968 c. 16 (123:4).

#### *General duties of authorities*

- 12 (1) Sub-paragraphs (2) and (3) below shall have effect in consequence of the repeal of section 17 and Schedule 6.
- (2) In exercising any function after the passing of this Act an authority need not have regard to the matters specified in section 17 and Schedule 6.
- (3) In disposing, or agreeing to dispose, of an interest in land after the passing of this Act, an authority need not have regard to an application (whenever made) under paragraph 2 of Schedule 6.

#### *Planning permission for relevant development*

- 13 (1) Sub-paragraphs (2) to (8) below shall have effect in consequence of the repeal by this Act of sections 19 and 20 and Schedule 7.
- (2) Where an election is made under section 19(2) before the passing of this Act, an authority on whom the notice is served need not—
  - (a) send a copy to any other authority under section 19(2), or
  - (b) serve a notice under paragraph 4 of Schedule 7 (notice about intention to acquire).
- (3) Where an application is made before the passing of this Act for planning permission to which section 20 applied immediately before the passing of this Act, an authority need not serve a notice under paragraph 5 of Schedule 7.
- (4) An authority who have before the passing of this Act abandoned their power to purchase land (as mentioned in section 19(5) or 20(2)) are not prevented by section 19(5) or 20(2) from acquiring the land under the 1971 Act or under the Scottish Act 1972 in pursuance of a compulsory purchase order.
- (5) Planning permission suspended before the passing of this Act by virtue of section 19(6) or 20(3) shall on the passing of this Act no longer be suspended.
- (6) Any notice served under paragraph 4 or 5 of Schedule 7 before the passing of this Act shall cease to be a local land charge on the passing of this Act; and where any such notice has been registered as a local land charge the registration shall, without

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prejudice to any rules made under the<sup>M177</sup> Local Land Charges Act 1975, be cancelled accordingly.

- (7) No authority is under a duty to serve a notice under paragraph 6 of Schedule 7 after the passing of this Act.
- (8) After the passing of this Act, no copy of an application or notification (in each case, whenever made) need be sent under Part III of Schedule 7 (transmission of information).

#### Marginal Citations

M177 1975 c. 76 (98:2).

#### *Disposal notification areas*

- 14 Any saving having effect immediately before the passing of this Act by virtue of paragraph 7 of Schedule 8 shall continue to have effect notwithstanding the repeal of that paragraph by this Act.

#### *Direction to dispose of land*

- 15 The repeal by this Act of section 45 does not affect a direction made under that section before the passing of this Act.

## SCHEDULE 18

Section 102.

### THE LAND AUTHORITY FOR WALES

- 1 The Land Authority for Wales shall by that name be a body corporate and shall consist of such number of members, not less than six and not exceeding nine, as the Secretary of State may from time to time determine.
- 2
  - (1) The members shall be appointed by the Secretary of State, who shall appoint one of them to be chairman of the Authority and may appoint another to be deputy chairman.
  - (2) Four offices as members of the Authority shall be held by persons appointed by the Secretary of State after consultation with such organisations as appear to him to be representative of local authorities in Wales.
- 3
  - (1) Subject to the provisions of this paragraph, a member of the Authority, and the chairman and deputy chairman, shall hold and vacate office in accordance with the terms of his appointment.
  - (2) A member may by notice in writing addressed to the Secretary of State resign his membership and the chairman or deputy chairman may by the like notice resign his office.

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- (3) The Secretary of State may remove a person from membership if satisfied that he—
    - (a) has become bankrupt or made an arrangement with his creditors; or
    - (b) is incapacitated by physical or mental illness; or
    - (c) has been absent from more than six consecutive meetings of the Authority otherwise than for a reason approved by the Secretary of State; or
    - (d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member.
  - (4) A person who ceases to be a member, or ceases to be chairman or deputy chairman, shall be eligible for re-appointment.
  - (5) If the chairman or deputy chairman ceases to be a member of the Authority he shall also cease to be chairman or deputy chairman.
  - (6) A person may hold all or any of the following offices at the same time, that is secretary or other officer of the Authority, member of the Authority and deputy chairman of the Authority; and a person holding the office of chairman of the Authority may hold any other office except that of secretary or deputy chairman.
- 4        The Authority, with the approval of the Secretary of State, may appoint a secretary of the Authority, and such other officers and servants as the Authority may, after consultation with the Secretary of State and with the consent of the Minister, determine.
- 5        (1) The Authority shall pay to members of the Authority such remuneration and allowances as may be determined by the Secretary of State with the consent of the Minister.
- (2) In the case of any such person as the Secretary of State may with the consent of the Minister determine, the Authority shall pay such pension, allowance or gratuity to or in respect of him, or make such payment towards the provision of such a pension, allowance or gratuity, as may be so determined.
  - (3) If a person ceases to be a member of the Authority, and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, the Secretary of State may, with the consent of the Minister, require the Authority to pay to that person a sum of such amount as the Secretary of State may with the consent of the Minister determine.
  - (4) As soon as practicable after the making of any determination under sub-paragraph (2) or sub-paragraph (3) of this paragraph the Secretary of State shall lay a statement thereof before each House of Parliament.

#### *Staff*

- 6        The Authority shall pay to its officers and servants such remuneration and allowances as it may, after consultation with the Secretary of State and with the consent of the Minister, determine.

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- 7 (1) The Authority shall, in the case of such of the persons employed by it as may be determined by the Authority with the consent of the Secretary of State given with the approval of the Minister, pay such pensions, allowances or gratuities to or in respect of those persons as may be so determined, make such payments towards the provision of such pensions, allowances or gratuities as may be so determined or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined.
- (2) Where a person employed by the Authority and participating in a scheme for the payment of pensions, allowances or gratuities which is applicable to such persons becomes a member of the Authority, his service as a member may be treated for the purposes of the scheme as service as a person employed by the Authority.

*Proceedings and instruments*

- 8 (1) Subject to the following provisions of this Schedule the Authority shall have power to regulate its own procedure.
- (2) The quorum at meetings of the Authority shall be four.
- 9 (1) A member of the Authority who is in any way directly or indirectly interested in any land which is the subject of a transaction entered into or proposed to be entered into by the Authority shall disclose the nature of his interest at a meeting of the Authority; and the disclosure shall be recorded in the minutes of the Authority, and the member shall not take any part in any deliberation or decision of the Authority with respect to the transaction.
- (2) For the purposes of sub-paragraph (1) above a general notice given at a meeting of the Authority by a member of the Authority to the effect that he is a member of a specified company or firm and is to be regarded as interested in any transaction which may, after the date of the notice, be entered into in relation to that company or firm, shall be regarded as a sufficient disclosure of his interest in relation to any such transaction.
- (3) A member of the Authority need not attend in person at a meeting of the Authority in order to make any disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read at the meeting.
- 10 The proceedings of the Authority shall not be invalidated by any vacancy in the number of their members or by any defect in the appointment of any person as a member or chairman or deputy chairman or by any failure to comply with the requirements of paragraph 9 above.
- 11 The seal of the Authority shall be authenticated by the signature of the secretary or of any person authorised by the Authority to act in that behalf.



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- 12 A certificate signed by the secretary that any instrument purporting to be made or issued by or on behalf of the Authority was so made or issued shall be conclusive evidence of that fact.
- 13 Every document purporting—
- (a) to be an instrument made or issued by or on behalf of the Authority and to be sealed with the seal of the Authority authenticated in the manner provided by paragraph 11 above, or to be signed or executed by the secretary or any person authorised by the Authority to act in that behalf, or
  - (b) to be such a certificate as is mentioned in paragraph 12 above,
- shall be received in evidence and be deemed without further proof to be so made or issued or to be such a certificate, unless the contrary is shown.

### *Supplemental*

- 14 (1) A person dealing with the Authority, or with a person claiming under the Authority, shall not be concerned to inquire—
- (a) whether any directions have been given to the Authority under this Act or whether any directions so given have been complied with, or
  - (b) whether the consent or approval of the Secretary of State or the Minister required for any of the purposes of this Act has been given, or whether any condition or limitation subject to which any such consent or approval was given has been complied with,
- and, in favour of any such person, the validity of anything done by the Authority shall not be affected by anything contained in any such direction, consent or approval or by reason that any such direction, consent or approval has not been given.
- (2) Without prejudice to sub-paragraph (1) above, the validity of a compulsory purchase order made by the Authority shall not be affected by anything contained in a direction given under section 102(4) above or by reason that any such direction has not been complied with.

- 15 In this Schedule “the Minister” means [<sup>F382</sup>the Treasury]

#### **Textual Amendments**

**F382** Words substituted by virtue of S.I. 1981/1670, art. 2

## SCHEDULE 19

Section 103.

### PUBLIC AUTHORITIES

- 1 The public authorities for the purposes of section 103(5) above are—
- (a) a county council,

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- [<sup>F383</sup>(aa) a county borough council,
- (ab) a joint planning board in Wales,]
- (b) a district council,
- (c) a community council,
- (d) a Government department,
- (e) the Welsh Development Agency,
- (f) the Development Board for Rural Wales,
- [<sup>F384</sup>(fa) a National Park authority;]
- (g) a development corporation of a new town whose area (as designated by an order under section 1 of the <sup>M178</sup>New towns Act 1965) is wholly or partly situated in Wales,
- (h) any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry, and
- (i) statutory undertakers.

#### Textual Amendments

**F383** Sch. 19 para. 1(aa)(ab) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 59(6)** (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F384** Sch. 19 para. 1(fa) inserted (1.4.1996) by 1995 c. 25, s. 78, **Sch. 10 para. 20(2)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 3**

#### Marginal Citations

**M178** 1965 c. 59.

- 2 In paragraph 1 above “statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, road transport, water transport, canal, inland navigation, dock or harbour undertaking, or any undertaking for the supply of <sup>F385</sup>[<sup>F386F387</sup>or hydraulic power]

#### Textual Amendments

**F385** Word repealed by **Electricity Act 1989** (c. 29, SIF 44:1), s. 112(4), **Sch. 18** (with s. 112(3), Sch. 17 para. 35(1))

**F386** Words substituted by **Water Act 1989** (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 61(7)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**F387** Words repealed by **Gas Act 1986** (c. 44, SIF 44), s. 67(4), **Sch. 9 Pt. I**

- 3 (1) The Secretary of State may by order made by statutory instrument direct that any public authority, body or undertakers not specified in paragraph 1 above shall be treated as a public authority for the purposes of section 103(5) above.
- (2) A statutory instrument containing an order under sub-paragraph (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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## SCHEDULE 20

Section 104.

### LAND AUTHORITY FOR WALES: ACQUISITION OF LAND

#### PART I

#### MODIFICATIONS OF [F388 1981] ACT

##### Textual Amendments

**F388** Word substituted by virtue of Interpretation Act 1978 (c. 30, SIF 115), s. 17(2)(a) and Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(2), **Sch. 5 para. 1**

- 1 The [F389 1981] Act shall apply in relation to the compulsory acquisition of land under section 104 above with the modifications made by the following provisions of this Part of this Schedule.

##### Textual Amendments

**F389** Word substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 4 para. 30(10)(a)**

- 2 (1) Where a compulsory purchase order of the Authority authorising the acquisition of any land is submitted to the Secretary of State in accordance with [F390 section 2(2)] then, if the Secretary of State—
- (a) is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised therein, but
  - (b) has not for the time being determined whether it ought to be confirmed so far as it relates to any other such land,
- he may confirm the order so far as it relates to the land mentioned in paragraph (a) above, and give directions postponing the consideration of the order, so far as it relates to any other land specified in the directions, until such time as may be so specified.
- (2) Where the Secretary of State gives directions under sub-paragraph (1) above, the notices required by [F391 section 15] to be published and served shall include a statement of the effect of the directions.

##### Textual Amendments

**F390** Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 4 para. 30(10)(b)**

**F391** Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 4 para. 30(10)(k)**

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#### Textual Amendments

**F392** Sch. 20 para. 3, Sch. 21 para. 14, Sch. 28 Pt. IV para. 22 repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 6 Pt. I

- 4 Where the compulsory purchase order was made by the Authority—
- (a) a notice under [F393section 12] (notice specifying the time for making objections) shall be served on the local authorities within whose areas the land is situated,
  - (b) those local authorities shall have a right to object in accordance with the notice,
  - (c) the references in [F394section 13] to objections made by an owner, lessee or occupier shall include references to an objection made by such local authority.
- [F395For the purposes of this paragraph the references to a local authority within whose area the land is situated shall be deemed to include references to any National Park authority which is the local planning authority for a National Park in which the land is situated.]

#### Textual Amendments

**F393** Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 4 para. 30(10)(d)

**F394** Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 13, Sch. 4 para. 30(10)(e)

**F395** Words in Sch. 20 para. 4 inserted (1.4.1996) by 1995 c. 25, s. 78, Sch. 10 para. 20(3)(with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, art. 3

- [F3964A Where the compulsory purchase order was made by the Authority and the land is situated in the district of a joint planning board in Wales—
- (a) a notice under section 12 shall also be served on the board,
  - (b) the board shall have a right to object in accordance with the notice,
  - (c) the references in section 13 to objections made by an owner, lessee or occupier shall also include references to an objection made by the board.]

#### Textual Amendments

**F396** Sch. 20 para. 4A inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 59(7) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

## PART II

### ACQUISITION OF LAND BY AGREEMENT

- 5 The provisions of Part I of the <sup>M179</sup>Compulsory Purchase Act 1965 (so far as applicable), other than section 31, shall apply in relation to the acquisition of land by

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agreement under section 104 above; and in the said Part I as so applied “land” shall have the meaning given by Schedule 1 to the <sup>M180</sup>Interpretation Act 1978.

#### **Marginal Citations**

**M179** 1965 c. 56 (28:1).

**M180** 1978 c. 30 (115:1).

## **PART III**

### **SUPPLEMENTAL PROVISIONS**

#### *Extinguishment of rights over land compulsorily acquired*

- 6 (1) Subject to the provisions of this paragraph, upon the completion by the Authority of a compulsory acquisition of land under section 104 above all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the Authority.
- (2) Sub-paragraph (1) above shall not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking.
- (3) In respect of any right or apparatus not falling within sub-paragraphs (2) above, sub-paragraph (1) above shall have effect subject—
- (a) to any direction given by the Authority before the completion of the acquisition that sub-paragraph (1) above shall not apply to any right or apparatus specified in the direction; and
  - (b) to any agreement which may be made (whether before or after the completion of the acquisition) between the Authority and the person in or to whom the right or apparatus in question is vested or belongs.
- (4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this paragraph shall be entitled to compensation from the Authority.
- (5) Any compensation payable under this paragraph shall be determined in accordance with the <sup>M181</sup>Land Compensation Act 1961.

#### **Marginal Citations**

**M181** 1961 c. 33 (28:1).

#### *Power to override easements and other rights*

- 7 (1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired by the Authority under section 104 above, whether done by the Authority or by a person deriving title under it, is authorised by virtue of this paragraph if it is done in accordance with planning permission notwithstanding

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that it involves interference with an interest or right to which this paragraph applies, or involves a breach of a restriction as to the user of land arising by virtue of a contract.

- (2) Nothing in this paragraph shall authorise interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land, being a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.
- (3) This paragraph applies to the following interests and rights, that is to say, any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.
- (4) In respect of any interference or breach in pursuance of sub-paragraph (1) above, compensation shall be payable under section 7 or 10 of the <sup>M182</sup>Compulsory Purchase Act 1965, and shall be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase to which the said Act of 1965 applies, or the injury arises from the execution of works on land acquired by such a purchase.
- (5) Where a person deriving title under the Authority is liable to pay compensation by virtue of sub-paragraph (4) above, and fails to discharge that liability, the liability shall, subject to sub-paragraph (6) below, be enforceable against the Authority.
- (6) Nothing in sub-paragraph shall be construed as affecting any agreement between the Authority and any other person for indemnifying the Authority against any liability under that sub-paragraph.
- (7) Nothing in this paragraph 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 such an interference or breach as is mentioned in sub-paragraph (1) above.
- (8) In this paragraph—
  - (a) a reference to a person deriving title from another person includes a reference to any successor in title of that other person;
  - (b) a reference to deriving title is a reference to deriving title either directly or indirectly.

#### Marginal Citations

**M182** 1965 c. 56 (28:1).

### *Use and development of consecrated land and burial grounds*

- 8 (1) Any consecrated land, whether or not including a building, which has been acquired by the Authority under section 104 above may, subject to the following provisions of this paragraph, be used by any person in any manner in accordance with planning permission, notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land.
- (2) Sub-paragraph (1) above does not apply to land which consists or forms part of a burial ground.

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- (3) Any use of consecrated land authorised by sub-paragraph (1) above, and the use of any land (not being consecrated land) acquired by the Authority under section 104 above, which at the time of acquisition included a church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the requirements of regulations made by the Secretary of State for the purposes of this paragraph with respect to the removal and re-interment of any human remains, and the disposal of monuments and fixtures and furnishings.
- (4) Any use of consecrated land authorised by sub-paragraph (1) above shall be subject to such provisions as may be prescribed by such regulations 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 thereof, remains on the land.
- (5) Any regulations made for the purposes of this paragraph—
  - (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 sub-paragraphs (3) and (4) above such as appear to the Secretary of State requisite for securing that the provisions of those sub-paragraphs 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.
- (6) Any land consisting of a burial ground or part of a burial ground, which has been acquired as mentioned in sub-paragraph (1) above, may be used by any person in any manner in accordance with planning permission, 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.
- (7) Sub-paragraph (6) above shall not have effect in respect of any land which has been used for the burial of the dead until the requirements prescribed by regulations made under this paragraph with respect to the removal and re-interment of human remains, and the disposal of monuments, in or upon the land have been complied with.
- (8) Provision shall be made by any regulations made for the purposes of this paragraph—
  - (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and re-interment of any human remains or the disposal of any monuments;
  - (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and re-interment 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, re-interment 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



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respect to the manner of removal, and the place and manner of re-interment 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 re-interment of any human remains.

- (9) Subject to the provisions of regulations made under this paragraph, no faculty shall be required for the removal and re-interment in accordance with the regulations of any human remains, or for the removal or disposal of any monuments, and the provisions of section 25 of the <sup>M183</sup>Burial Act 1857 (prohibition of removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.
- (10) Regulations under this paragraph shall be subject to annulment by a resolution of either House of Parliament.
- (11) Nothing in this paragraph 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 sub-paragraph (1) or (6) above.
- (12) In this paragraph “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.

#### Marginal Citations

**M183** 1857 c. 81 (17:1).

#### *Use and development of land for open spaces*

- 9 (1) Any land being, or forming part of, a common or open space or fuel or field garden allotment, which has been acquired by the Authority under section 104 above may be used by any person in any manner in accordance with planning permission 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 paragraph 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 sub-paragraph (1) above.

#### *Savings for paragraphs 8 and 9*

- 10 (1) This paragraph applies as respects paragraphs 8 and 9 above.
- (2) In relation to any authority or body corporate, nothing in the said paragraphs shall be construed as authorising any act or omission on their part in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the authority or body.



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- (3) Any power conferred by the said paragraphs to use land in a manner therein mentioned shall be construed as a power 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.

*Construction of the Compulsory Purchase Acts in relation to this Part of this Act*

- 11 In construing the <sup>M184</sup>Compulsory Purchase Act 1965 in relation to section 104 above—
- (a) references to the execution of works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by paragraph 7 of this Schedule;
  - (b) in relation to the erection, construction or carrying out of any buildings or works so authorised, references in section 10 of the said Act of 1965 to the acquiring authority shall be construed as references to the persons by whom the buildings or works in question are erected, constructed or carried out.

**Marginal Citations**

**M184** 1965 c. 56(28:1).

*Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers*

- 12 (1) Where any land has been acquired by the Authority under section 104 above and—
- (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over that land; or
  - (b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking,
- the Authority, if satisfied that the extinguishment of the right or, as the case may be, in the removal of the apparatus, is necessary for the purpose of carrying out any development, may serve on the statutory undertakers a notice stating that, at the end of the period of 28 days from the date of service of the notice or such longer period as may be specified therein, the right will be extinguished or requiring that, before the end of that period, the apparatus shall be removed.
- (2) The statutory undertakers on whom a notice is served under sub-paragraph (1) above may, before the end of the period of 28 days from the service of the notice, serve a counter-notice on the Authority stating that they object to all or any provisions of the notice and specifying the grounds of their objection.
- (3) If no counter-notice is served under sub-paragraph (2) above—
- (a) any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice; and
  - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been

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complied with, the Authority may remove the apparatus and dispose of it in any way it may think fit.

- (4) If a counter-notice is served under sub-paragraph (2) above on the Authority, the Authority may either withdraw the notice (without prejudice to the service of a further notice) or may apply to the Secretary of State and the appropriate Minister for an order under this paragraph embodying the provisions of the notice with or without modification.
- (5) Where by virtue of this paragraph any right vested in or belonging to statutory undertakers is extinguished, or any requirement is imposed on statutory undertakers, those undertakers shall be entitled to compensation from the Authority.
- (6) [<sup>F397</sup>Sections 280 and 282 of the 1990 Act] (measure of compensation for statutory undertakers) shall apply to compensation under sub-paragraph (5) above as they apply to compensation under [<sup>F397</sup>section 279(2) of the 1990 Act]

#### Textual Amendments

**F397** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 44\(9\)\(a\)](#)

#### *Orders under paragraph 12*

- 13 (1) Before making an order under paragraph 12(4) above the Ministers proposing to make the order—
  - (a) shall afford to the statutory undertakers on whom notice was served under paragraph 12(1) above an opportunity of objecting to the application for the order; and
  - (b) if any objection is made, shall consider the objection and afford to those statutory undertakers and to the Authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State and the appropriate Minister for the purpose,and may then, if they think fit, make the order in accordance with the application either with or without modification.
- (2) Where an order is made under paragraph 12(4) above—
  - (a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order; and
  - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the Authority may remove the apparatus and dispose of it in any way it may think fit.

*Notice for same purposes as paragraph 12 but given by statutory undertakers to Authority*

- 14 (1) Subject to the provisions of this paragraph, where any land has been acquired by the Authority under section 104 above and—

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- (a) there is on, under or over the land apparatus vested in or belonging to statutory undertakers; and
- (b) the undertakers claim that development to be carried out on the land is such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of the apparatus affected by the development,

the undertakers may serve on the Authority a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.

- (2) Where, after the land has been acquired as mentioned in sub-paragraph (1) above, development of the land is begun to be carried out, no notice under this paragraph shall be served later than 21 days after the beginning of the development.
- (3) Where a notice is served under this paragraph, the Authority may, before the end of the period of 28 days from the date of service, serve on the statutory undertakers a counter-notice stating that it objects to all or any of the provisions of the notice and specifying the grounds of its objection.
- (4) If no counter-notice is served under sub-paragraph (3) above, the statutory undertakers shall, after the end of the said period of 28 days, have the rights claimed in their notice.
- (5) If a counter-notice is served under sub-paragraph (3) above, the statutory undertakers who served the notice under this paragraph may either withdraw it or may apply to the Secretary of State and the appropriate Minister for an order under this paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it expedient to confer on them.
- (6) Where by virtue of this paragraph or an order of Ministers made under it, statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the Authority for the works to be carried out by the Authority, under the superintendence of the undertakers, instead of by the undertakers themselves.
- (7) Where works are carried out for the removal or re-siting of statutory undertakers' apparatus, being works which the undertakers have the right to carry out by virtue of this paragraph or an order of Ministers made under it, the undertakers shall be entitled to compensation from the Authority.
- (8) [<sup>F398</sup>sections 280 and 282 of the 1990 Act] (measure of compensation for statutory undertakers) shall apply to compensation under sub-paragraph (7) above as they apply to compensation under [<sup>F398</sup>section 279(4) of the 1990 Act]

#### Textual Amendments

**F398** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(9\)\(b\)](#)

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### *Rights of entry*

- 15 (1) Any person, being an officer of the Valuation Office of the Inland Revenue Department or a person duly authorised in writing by the Authority, may at any reasonable time enter any land for the purposes of surveying it, or estimating its value, in connection with any proposal to acquire that land or any other land, under section 104 above, or in connection with any claim for compensation in respect of any such acquisition.
- (2) Any person duly authorised in writing by the Authority may at any reasonable time enter upon any land for the purpose of surveying it in order to enable the Authority to determine whether to make an application for planning permission for the carrying out of development of that land.
- (3) Subject to the provisions of paragraph 16 below, any power conferred by this paragraph 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 therein.

- 16 (1) A person authorised under paragraph 15 above to enter any land shall, if so required, produce evidence of his authority before so entering, and shall not demand admission as of right to any land which is occupied unless 24 hours' notice of the intended entry has been given to the occupier.
- (2) Any person who wilfully obstructs a person acting in the exercise of his powers under paragraph 15 above shall be guilty of an offence and liable on summary conviction to a fine not exceeding [F399]level 3 on the standard scale]
- (3) If any person who, in compliance with the provisions of paragraph 15 above, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the purpose for which he was authorised to enter the premises, be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or both.

F400 . . .

- (4) Where any land is damaged in the exercise of a right of entry conferred under paragraph 15 above or in the making of any survey for the purpose of which any such right of entry has been so conferred, compensation in respect of that damage may be recovered by any person interested in the land from the Secretary of State or the Authority.
- (5) Except in so far as may be otherwise provided by regulations made by the Secretary of State under this sub-paragraph, any question of disputed compensation under sub-paragraph (4) above shall be referred to and determined by the Lands Tribunal.

In relation to the determination of any question under this sub-paragraph, the provisions of sections 2 and 4 of the <sup>M185</sup>Land Compensation Act 1961 shall apply, subject to any necessary modifications and to the provisions of any regulations under this sub-paragraph.

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- (6) Where under paragraph 15 above a person proposes to carry out any works authorised by sub-paragraph (3) of that paragraph—
- (a) he shall not carry out those works unless notice of his intention to do so was included in the notice required by sub-paragraph (1) of this paragraph, and
  - (b) if the land in question is held by statutory undertakers and those undertakers object to the proposed works on the grounds that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the appropriate Minister.

#### Textual Amendments

**F399** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**

**F400** Words in [Sch. 20 para. 16\(3\)](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt. XIV** Group2

#### Marginal Citations

**M185** [1961 c. 33 \(28:1\)](#).

### *Displacement of Rent Acts*

- 17 If the Secretary of State certifies that possession of a house which has been acquired by the Authority under section 104 above, and is for the time being held by the Authority for the purposes for which it was acquired, is immediately required for those purposes, nothing in the <sup>M186</sup>Rent Act 1977 shall prevent the Authority from obtaining possession of the house.

#### Marginal Citations

**M186** [1977 c. 42 \(75:3\)](#).

## SCHEDULE 21

Section 106.

### LAND AUTHORITY FOR WALES: FURTHER PROVISIONS

#### *Borrowing powers*

- 1 (1) The Authority may borrow temporarily, by way of overdraft or otherwise, such sums as it may require for meeting its obligations and discharging its functions—
- (a) in sterling from the Secretary of State, or
  - (b) with the consent of the Secretary of State, or in accordance with any general authority given by the Secretary of State, in sterling from a person other than the Secretary of State.
- (2) The Authority may borrow otherwise than by way of temporary loan such sums in sterling as the Authority may require from the Secretary of State.

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- (3) The aggregate amount outstanding by way of the principal of any money borrowed by the Authority under this paragraph shall not exceed £20 million.
- (4) The Authority shall not borrow money otherwise than under this paragraph.
- (5) The Secretary of State may lend to the Authority any sums which the Authority has power to borrow from him, and any such loan shall be repaid to the Secretary of State at such times and by such methods, and interest on the loan shall be paid to him at such rates and at such times, as he may from time to time determine.
- (6) The Treasury may issue out of the National Loans Fund to the Secretary of State such sums as are necessary to enable him to make loans in pursuance of this paragraph, and any sums received by the Secretary of State in pursuance of sub-paragraph (5) above shall be paid into that Fund.
- (7) References in this paragraph to the Secretary of State are references to him acting with the approval of the Treasury.

### Guarantees

- 2 (1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of [<sup>F401</sup>the payment of interest on and the discharge of any other financial obligation in connection with] any sums which the Authority borrows from a person other than the Secretary of State.
- (2) Immediately after a guarantee is given under this paragraph the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling the guarantee so given the Treasury shall, as soon as practicable after the end of each financial year (beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged), lay before each House of Parliament a statement relating to that sum.
- (3) Any sums required by the Treasury for fulfilling a guarantee under this paragraph shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued in fulfilment of a guarantee given under this paragraph, the Authority shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rates as the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.
- (5) Any sums received by the Treasury in pursuance of sub-paragraph (4) above shall be paid into the Consolidated Fund.

#### Textual Amendments

**F401** Words substituted by virtue of [Miscellaneous Financial Pensions Act 1983 \(c. 29, SIF 99:1\)](#), s. 4(1), [Sch. 2](#)

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### *Accounts and audit*

- 3 (1) The Authority shall—
- (a) keep proper accounts and proper records in relation to the accounts, and
  - (b) prepare in respect of each accounting year a statement of accounts, in such form as the Secretary of State may with the approval of the Treasury require, showing the state of affairs and the profit or loss of the Authority, and
  - (c) on or before 30th November in any year transmit to the Comptroller and Auditor General the statement of accounts of the Authority for the accounting year last ended.
- (2) The Comptroller and Auditor General shall examine and certify the statement of accounts transmitted to him under sub-paragraph (1) above, and lay copies of it together with his report thereon before each House of Parliament.
- (3) The Secretary of State shall for each financial year prepare, in such form and manner as the Treasury may approve, account of—
- (a) sums issued to the Secretary of State in pursuance of paragraph 1 above (or section 10 of the 1975 Act), and the disposal by the Secretary of State of those sums;
  - (b) sums required to be paid into the National Loans Fund in pursuance of paragraph 1 above (or section 10 of the 1975 Act);
- and shall send a copy of the account to the Comptroller and Auditor General not later than the end of November next following that year; and the Comptroller and Auditor General shall examine, certify and report on the account and shall lay copies of it and of his report on it before Parliament.

### *Accounts and records about land*

- 4 (1) The Authority shall—
- (a) keep such accounts and records, and
  - (b) prepare and submit to the Secretary of State such statements of account, relating to the acquisition, holding and disposal of land as the Secretary of State may with the approval of the Treasury direct.
- (2) Directions under sub-paragraph (1) above may in particular relate to—
- (a) the items which are or are not to be included in the accounts, and the kinds of transactions which are to be recorded, and
  - (b) the form and manner in which the statements of accounts are to be prepared and the times at which they are to be submitted to the Secretary of State.
- (3) Money to be credited to an account kept under this paragraph shall not be applied by the Authority for any purpose without the consent of the Secretary of State.
- (4) Where any item debited to an account kept under this paragraph has been defrayed by borrowing, the Authority shall not be required, notwithstanding anything in any enactment, to make any annual provision for the repayment of the capital.
- (5) The Authority shall supply the Secretary of State—

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- (a) with such information as the Secretary of State may specify to enable him to ascertain the state of any account or record kept, or to verify any statement of account submitted to him, under this paragraph, and
  - (b) with such certificates supporting the information as the Secretary of State may specify.
- (6) The Secretary of State may publish in such manner as appears to him appropriate—
  - (a) statements of account submitted to him under this paragraph, and
  - (b) any information obtained by him under sub-paragraph (5) above.

### *Surplus accounts*

- 5
  - (1) The Secretary of State may, with the approval of the Treasury and after consulting the Authority, direct that any statement of account which—
    - (a) is submitted to him under paragraph 4 above for any financial year, and
    - (b) is of a kind specified in the direction,shall be a surplus account.
  - (2) So much of any surplus in a surplus account as the Secretary of State with the approval of the Treasury directs shall be paid by the Authority to the Secretary of State.
  - (3) The remainder of the surplus (if any) shall be applied by the Authority for any purpose for which capital money may be properly applied.
  - (4) The Secretary of State shall for each financial year prepare, in such form and manner as the Treasury may approve, an account of the sums received by him under this paragraph.
  - (5) The Secretary of State shall, on or before 30th November in any year, transmit to the Comptroller and Auditor General the said account for the financial year last ended.
  - (6) The Comptroller and Auditor General shall examine and certify the account submitted to him, and lay copies of it together with his report before each House of Parliament.

### *Reports*

- 6
  - (1) The Authority shall as soon as practicable after the end of each accounting year make to the Secretary of State a report on the exercise of its functions during that year.
  - (2) The report for any accounting year—
    - (a) shall set out any direction given to the Authority under this Part of this Act, unless the Secretary of State has notified to the Authority his opinion that it should be omitted in the interests of national security, and
    - (b) shall include such information relating to the plans, past and present activities, of the Authority and the financial position of the Authority as the Secretary of State may from time to time direct.
  - (3) There shall be attached to the report for each accounting year a copy of the statements of accounts in respect of that year.



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- (4) The Secretary of State shall lay before Parliament copies of each report made to him under sub-paragraph (1) above.

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

**C166** Sch. 21 para. 6 modified (1.10.1998) by 1998 c. 38, s. 138(2) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 4

*Register of land holdings*

- 7 (1) The Secretary of State may by regulations provide for the keeping of a register by the Authority recording its acquisitions, holdings and disposals of land.
- (2) Regulations under this paragraph may prescribe—
- (a) the kinds of land and the kinds of transactions to be registered,
  - (b) the form of the registers, and the particulars to be contained in them,
  - (c) the circumstances in which, and conditions subject to which, the registers are to be open to public inspection.

*Information*

- 8 (1) Where, with a view to performing a function conferred on the Authority by this Part of this Act, the Authority considers that it ought to have information connected with any land, the Authority may serve on one or more of the following persons, namely—
- (a) the occupier of the land; and
  - (b) any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land; and
  - (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it,

a notice specifying the land and the function and the provision which confers the function and requiring the recipient of the notice to furnish to the Authority, within a period specified in the notice (which shall not be less than 14 days beginning with the day on which the notice is served), the nature of his interest in the land and the name and address of each person whom the recipient of the notice believes to be the occupier of the land and of each person whom he believes to be, as respects the land, such a person as is mentioned in paragraphs (b) and (c) above.

- (2) A person who—
- (a) fails (without reasonable excuse) to comply with the requirements of a notice served on him in pursuance of sub-paragraph (1) above; or
  - (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F402</sup>level 4 on the standard scale]

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### Textual Amendments

**F402** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**

- 9 (1) Every local authority [<sup>F403</sup>and joint planning board]in Wales [<sup>F404</sup>and every National Park authority for a National Park in Wales] shall supply the Authority—
- (a) with such information as the Secretary of State may by regulations prescribe for the purposes of this paragraph (being information the Authority may need for the purpose of performing its functions), and
  - (b) with such certificates supporting the information as the Secretary of State may in the regulations specify.
- (2) If a [<sup>F405</sup>local planning authority]in Wales receives an application for planning permission made after the passing of this Act, [<sup>F406</sup>the local planning authority] shall as soon as practicable after receipt send a copy of the application to the Authority.
- (3) In Wales on any grant after the passing of this Act of planning permission, the local planning authority (or as the case may be the Secretary of State) shall as soon as practicable send a copy of the notification of the planning permission to the Authority.
- (4) Sub-paragraphs (2) and (3) above shall not apply if and so far as the Authority directs.

### Textual Amendments

**F403** Words in [Sch. 21 para. 9\(1\)](#) inserted (1.4.1996) by 1994 c. 19, s. 66(6), [Sch. 16 para. 59\(8\)\(a\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, [Sch. 2](#)

**F404** words in [Sch. 21 para. 9\(1\)](#) inserted (1.4.1996) by 1995 c. 25, s. 78, [Sch. 10 para. 20\(4\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); S.I. 1995/2950, [art. 3](#)

**F405** Words in [Sch. 21 para. 9\(2\)](#) substituted (1.4.1996) by 1994 c. 19, s. 66(6), [Sch. 16 para. 59\(8\)\(b\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, [Sch. 2](#)

**F406** Words in [Sch. 21 para. 9\(2\)](#) substituted (1.4.1996) by 1994 c. 19, s. 66(6), [Sch. 16 para. 59\(8\)\(b\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, [Sch. 2](#)

### Service of documents

- 10 Sections 231 and 233 of the <sup>M187</sup>Local Government Act 1972 (service of documents on local authorities, and by local authorities) shall apply as if the Authority were a local authority.

### Marginal Citations

**M187** 1972 c. 70 (81:1).

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### *Regulations and orders*

- 11 (1) The Secretary of State may make regulations for prescribing the form of—
- (a) any document required or authorised by or under this Part of this Act to be given to or served on the Authority, and
  - (b) any document authorised by or under this Part of this Act to be given, served, made or issued by the Authority.
- (2) Any power—
- (a) to make orders under any provision of this Part of this Act other than paragraph 12(4) and 14(5) of Schedule 20, and
  - (b) to make regulations under any provision of this Part of this Act, shall be exercisable by statutory instrument.
- (3) Any regulation or order under this Part of this Act—
- (a) may make different provision for different areas or other different cases;
  - (b) may include transitional and other supplemental and incidental provisions.

### *Directions and consents*

- 12 Any direction or consent given by the Secretary of State under this Part of this Act may be—
- (a) either general or limited to any particular case or class of case;
  - (b) in any of the instances mentioned in sub-paragraph (a) above, unconditional or subject to conditions,
- and any such direction or consent may be varied or revoked by him.

### *Local inquiries*

- 13 Section 250 of the <sup>M188</sup>Local Government Act 1972 shall extend to any public local inquiry held under the [<sup>F407</sup>1981] Act, by virtue of this Part of this Act, as if the Authority were a local authority.

#### **Textual Amendments**

**F407** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34, Sch. 4 para. 30\(11\)](#)

#### **Marginal Citations**

**M188** [1972 c. 70 \(81:1\)](#).

### *Exclusion of special parliamentary procedure*

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### Textual Amendments

**F408** Sch. 20 para. 3, Sch. 21 para. 14, Sch. 28 Pt. IV para. 22 repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 6 Pt. I**

### *Crown land*

- 15 (1) Notwithstanding the Crown or Duchy interest a private interest in Crown land may, with the consent in writing of the appropriate authority, be acquired compulsorily under section 104 above.
- (2) In this paragraph “Crown land” means land in which there is a Crown interest or a Duchy interest, and—
- (a) “Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department,
  - (b) “Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall,
  - (c) “private interest” means an interest which is not a Crown interest or a Duchy interest,
- and “appropriate authority” in relation to Crown land shall be determined in accordance with [<sup>F409</sup>section 293(2) of the 1990 Act]

### Textual Amendments

**F409** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(10)**

### *Offences by corporations*

- 16 (1) Where an offence under this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary, or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and liable to be proceeded against accordingly.
- (2) Where the affairs of a body corporate are managed by its members, this section shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of a body corporate.

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## SCHEDULE 22

Section 110.

### SUPPLEMENTARY PROVISIONS (WALES)

#### *Loans*

- 1 Any sum borrowed under section 10 of the 1975 Act, and outstanding immediately before the passing of this Act, shall be treated as borrowed under paragraph 1 of Schedule 21 above.

#### *Guarantees*

- 2 Any guarantee given under section 11 of the 1975 Act and having effect immediately before the passing of this Act shall have effect as if given under paragraph 2 of Schedule 21 above, and sums issued under section 11 shall be treated accordingly.

#### *Accounts etc.*

- 3
  - (1) Entries contained immediately before the passing of this Act in an account or record kept by the Authority under section 12 of the 1975 Act shall on the passing of this Act cease to be so contained but, as soon as practicable after accounts and records are opened under paragraph 3 of Schedule 21 above, corresponding entries shall be made in those accounts and records.
  - (2) Entries immediately before the passing of this Act in an account or record kept by the Authority under section 43 of the 1975 Act shall on the passing of this Act cease to be so contained but, as soon as practicable after accounts and records are opened under paragraph 4 of Schedule 21 above, corresponding entries shall be made in those accounts and records.
  - (3) Paragraphs 3, 4 and 5 of Schedule 21 above shall then have effect accordingly.

#### *Land*

- 4 Where before the passing of this Act a binding contract has been made by the Authority to dispose of or acquire land, section 14 or (as the case may be) 15 of the 1975 Act shall continue to apply as they applied immediately before the passing of this Act, which shall for this purpose be treated as not having been passed.
- 5
  - (1) A compulsory purchase order made by the Authority before the passing of this Act shall (subject to sub-paragraph (2) below) be disregarded on the passing of this Act.
  - (2) Where a compulsory purchase order has been made by the Authority and submitted to the confirming authority for confirmation before the passing of this Act, section 15 of the 1975 Act shall continue to apply as it applied immediately before the passing of this Act, which shall for this purpose be treated as not having been passed.

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### *Staff*

- 6 (1) A person who was a member, officer or servant of the Authority immediately before the passing of this Act shall continue to be a member, officer or servant as if appointed under this Part of this Act.
- (2) Nothing in this Act shall put a person in a worse position as regards his appointment.
- (3) The Secretary of State may, with the consent of [<sup>F410</sup>the Treasury], make regulations requiring the Authority to pay (in such cases and to such extent as may be determined by or under the regulations) compensation to or in respect of any such person who, after the passing of this Act and as a result of the changes in the Authority's functions arising from this Part of this Act, ceases to be a member, officer or servant of the Authority or suffers a loss or diminution of emoluments or pension rights.

#### **Textual Amendments**

**F410** Words substituted by virtue of [S.I. 1981/1670](#), art, 2(1)(d)

### *Rights and liabilities*

- 7 Rights and liabilities vested in the Authority immediately before the passing of this Act shall remain vested in the Authority and (subject to paragraphs 8 and 9 below) be treated as if they had been acquired or incurred under this Part of this Act.
- 8 Where a right was acquired by the Authority before the passing of this Act, and could not have been acquired under this Part of this Act, it may be enforced by the Authority as if this Act had not been passed.
- 9 Where a liability was incurred by the Authority before the passing of this Act, and could not have been incurred under this Part of this Act, it may be enforced against the Authority as if this Act had not been passed.

### *Property*

- 10 Property vested in the Authority immediately before the passing of this Act, and property later acquired by the Authority by virtue of any of the preceding provisions of this Schedule, shall be treated as if it were acquired by the Authority for the purposes of this Part of this Act.

### *General duties*

- 11 (1) Sub-paragraphs (2) and (3) below shall have effect in consequence of the repeal of section 17 of and Schedule 6 to the 1975 Act.

**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 11 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In exercising its functions after the passing of this Act the Authority shall have regard to section 103 above and need not have regard to the matters specified in section 17 of and Schedule 6 to the 1975 Act.
- (3) In disposing, or agreeing to dispose, of an interest in land after the passing of this Act, the Authority need not have regard to an application (whenever made) under paragraph 2 of Schedule 6 to the 1975 Act.

#### *Planning permission for relevant development*

- 12 (1) Sub-paragraphs (2) and (3) below shall have effect in consequence of the repeal by this Act of sections 19 and 20 of and Schedule 7 to the 1975 Act.
- (2) Paragraph 13(2) to (7) of Schedule 17 above shall apply (with the appropriate modifications) as if the Authority were an authority to which those sub-paragraphs apply.
- (3) If, before the passing of this Act, there was a duty to send to the Authority a copy of an application or notification under Part III of Schedule 7 to the 1975 Act, there shall continue to be such a duty after the passing of this Act notwithstanding the repeal of that Part.

#### *Amended Acts*

- 13 In paragraph 1 of the Schedule to the <sup>M189</sup>Public Bodies (Admission to Meetings) Act 1960 (which specifies the bodies in England and Wales to which that Act applies) paragraph (bb) shall continue to have effect as it had effect immediately before the passing of this Act and accordingly to read thus:—  
“(bb) the Land Authority for Wales;”.

#### **Marginal Citations**

**M189** 1960 c. 67 (81:4).

- 14 (1) Section 25(1)(aa) of the <sup>M190</sup>Local Government Act 1974 (authorities subject to investigation); shall continue to have effect as it had effect immediately before the passing of this Act, except that the words from “and” to the end shall be omitted.
- (2) Accordingly, section 25(1)(aa) shall read:—  
“(aa) the Land Authority for Wales.”.
- (3) Section 30(2A) of the <sup>M191</sup>Local Government Act 1974 shall continue to have effect as it had effect immediately before the passing of this Act and accordingly to read thus:—  
“(2A) Where the complaint related to the Land Authority for Wales, the Local Commissioner shall also send the report or statement to the Secretary of State.”.

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#### Marginal Citations

M190 1974 c. 7 (81:1).

M191 1974 c. 7(81:1).

- 15 The entry relating to the Authority in Part II of Schedule 1 to the <sup>M192</sup>House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) shall continue to have effect as it had effect immediately before the passing of this Act, and accordingly there shall continue to be inserted in that Part at the appropriate place in alphabetical order:— “The Land Authority for Wales”.

#### Marginal Citations

M192 1975 c. 24 (89).

### General

- 16 The Secretary of State may by order made by statutory instrument make such further provisions containing savings and transitionals about the Land Authority for Wales as he sees fit (including, if he sees fit, provisions supplementing the preceding provisions of this Schedule).

## SCHEDULE 23

Section 118.

### LAND : MISCELLANEOUS AMENDMENTS

#### PART I

#### AMENDMENTS OF ACQUISITION OF LAND (AUTHORISATION PROCEDURE) ACT 1946

F411 1 . . . . .

#### Textual Amendments

F411 Sch. 23 Pt. I para. 1 repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, Sch. 6 Pt. I



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## PART II

### AMENDMENTS OF NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949

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

**C167** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 2 (1) Subsection (4) of section 77 of the <sup>M193</sup>National Parks and Access to the Countryside Act 1949 (under which the power to acquire land for public access to the open country in a National Park is in certain circumstances exercisable by the Minister of Agriculture, Fisheries and Food) shall cease to have effect.
- (2) Accordingly, in subsections (5) of that section, for the words from the beginning to “be” there shall be substituted the words “The Secretary of State”.

#### Marginal Citations

**M193** 1949 c. 97.

## PART III

### AMENDMENTS OF TOWN AND COUNTRY PLANNING ACT 1959

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

**C168** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 3 The following subsection shall be substituted for section 23(2) of the <sup>M194</sup>Town and Country Planning Act 1959:—

“(2) Before exercising any power of appropriation in relation to land which consists or forms part of open space, not being land which consists or forms part of a common or of a fuel or field garden allotment, an authority to whom this Part of this Act applies—

- (a) shall publish a notice of their intention to do so for at least two consecutive weeks in a newspaper circulating in their area; and
- (b) shall consider any objections to the proposed appropriation which may be made to them.”.

**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 11 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Marginal Citations

M194 1959 c. 53.

- 4 In section 23(3) of that Act the words following paragraph (ii) shall cease to have effect.
- 5 The following subsection shall be substituted for subsection (2) of section 26 of that Act (disposal):—
- “(2) Before disposing of any land which consists or forms part of an open space, not being land which consists or form a part of a common or of a fuel or field garden allotment, an authority to which this Part of this Act applies—
- (a) shall publish notice of their intention to do so for at least two consecutive weeks in a newspaper circulating in their area; and
- (b) shall consider any objections to the proposed disposal which may be made to them.”.
- 6 In the said section 26—
- (a) subsection (3); and
- (b) in subsection (5), the words following paragraph (ii) shall cease to have effect.
- 7 Section 30(5) (supplementary) of that Act shall cease to have effect.
- <sup>F412</sup>8—11 .....

### Textual Amendments

**F412** Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I

## PART V

### AMENDMENTS OF LOCAL GOVERNMENT ACT 1972

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

**C169** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 12 (1) In section 122 of the <sup>M195</sup>Local Government Act 1972 (appropriation of land by principal councils) the words in subsection (2) following paragraph (b) shall cease to have effect.
- (2) The following subsections shall be inserted after that subsection:—

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“(2A) A principal council may not appropriate under subsection (1) above any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.

(2B) Where land appropriated by virtue of subsection (2A) above is held—

- (a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
- (b) in accordance with section 10 of the Open Space Act 1906 (duty of local authority to maintain open spaces and burial grounds),

the land shall by virtue of the appropriation be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.”.

#### Marginal Citations

M195 1972 c. 70.

- 13 Subsections (3) and (5) of that section shall cease to have effect.
- 14 The following subsections shall be inserted after subsection (2) of section 123 of that Act (disposal of land by principal councils):—
- “(2A) A principal council may not dispose under subsection (1) above any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.
- (2B) Where by virtue of subsection (2A) above a council dispose of land which is held—
- (a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
  - (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),
- the land shall by virtue of the disposal be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.”.
- 15 Subsections (3), (4) and (5) of that section shall cease to have effect.
- 16 Section 123A of that Act (consent for disposals of land by principal councils) shall cease to have effect.
- 17 (1) In section 126 of that Act (appropriation of land by parish and community councils and by parish meetings) the words in subsection (4) following paragraph (b) shall cease to have effect.
- (2) The following subsections shall be inserted after that subsection:—

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“(4A) Neither a parish or community council nor a parish meeting may appropriate by virtue of this section any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.

(4B) Where land is appropriated by virtue of subsection (4A) above is held—

- (a) for the purposes of section 164 of the Public Health Act 1875 (pleasure grounds); or
- (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),

the land shall by virtue of the appropriation be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.”.

18 Subsection (5) of that section shall cease to have effect.

19 The following subsection shall be substituted for section 127(3) of that Act (which applies certain provisions of section 123 to disposals of land held by parishes and communities):—

“(3) Subsections (2A) and (2B) of section 123 above shall apply in relation to the disposal of land under this section as they apply in relation to the disposal of land under that section, with the substitution of a reference to a parish or community council or the parish trustees of a parish for the reference to a principal council in the said subsection (2A).”.

20 The following definition shall be inserted in section 270(1) of that Act after the definition of “1963 Act” :—

““open space” has the meaning assigned to it by section 290(1) of the Town and Country Planning Act 1971 ;”.

## PART VI

### AMENDMENT OF LOCAL GOVERNMENT (SCOTLAND) ACT 1973

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

**C170** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

21 Section 74A of the <sup>M196</sup>Local Government (Scotland) Act 1973 (no local authority in Scotland to dispose of certain interests in land without Secretary of State’s consent) shall cease to have effect.

**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 11 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

#### Marginal Citations

M196 1973 c. 65.

## SCHEDULE 24

Section 121.

### LAND COMPENSATION ACTS AS AMENDED

#### PART I

#### SECTION 17 OF <sup>M197</sup>LAND COMPENSATION ACT 1961

#### Marginal Citations

M197 1961 c. 33 (28:1).

#### *Certification of appropriate alternative development.*

- 17 (1) Where an interest in land is proposed to be acquired by an authority possessing compulsory purchase powers, and that land or part thereof does not consist or form part of—
- (a) an area defined in the development plan as an area of comprehensive development, or
  - (b) an area shown in the development plan as an area allocated primarily for a use which is of a residential, commercial or industrial character, or for a range of two or more uses any of which is of such a character,
- then, subject to subsection (2) of this section, either of the parties directly concerned may apply to the local planning authority for a certificate under this section.
- (2) If, in the case of an interest in land falling within subsection (1) of this section, the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority, and a reference has been made to the Lands Tribunal to determine the amount of the compensation payable in respect of that interest, no application for a certificate under this section shall be made by either of the parties directly concerned after the date of that reference except either—
- (a) with the consent in writing of the other of those parties, or
  - (b) with the leave of the Lands Tribunal.
- (3) An application for a certificate under this section—
- (a) shall state whether or not there are, in the applicant's opinion, any classes of development which, either immediately or at a future time, would be appropriate for the land in question if it were not proposed to be acquired by any authority possessing compulsory purchase powers and, if so, shall specify the classes of development and the times at which they would be so appropriate;
  - (b) shall state the applicant's grounds for holding that opinion; and

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- (c) shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served on the other party directly concerned.
- (4) Where an application is made to the local planning authority for a certificate under this section in respect of an interest in land, the local planning authority shall, not earlier than twenty-one days after the date specified in the statement mentioned in paragraph (c) of subsection (3) of this section, issue to the applicant a certificate stating either of the following to be the opinion of the local planning authority regarding the grant of planning permission in respect of the land in question, if it were not proposed to be acquired by an authority possessing compulsory purchase powers, that is to say—
  - (a) that planning permission for development of one or more classes specified in the certificate (whether specified in the application or not) would have been granted; or
  - (b) that planning permission would not have been granted for any development other than the development (if any) which is proposed to be carried out by the authority by whom the interest is proposed to be acquired.
- (5) Where, in the opinion of the local planning authority, planning permission would have been granted as mentioned in paragraph (a) of subsection (4) of this section, but would only have been granted subject to conditions, or at a future time, or both subject to conditions and at a future time, the certificate shall specify those conditions, or that future time, or both, as the case may be, in addition to the other matters required to be contained in the certificate.
- (6) For the purposes of subsection (5) of this section, a local planning authority may formulate general requirements applicable to such classes of case as may be described therein; and any conditions required to be specified in the certificate in accordance with that subsection may, if it appears to the local planning authority to be convenient to do so, be specified by reference to those requirements, subject to such special modifications thereof (if any) as may be set out in the certificate.
- (7) In determining, for the purposes of the issue of a certificate under this section, whether planning permission for any particular class of development would have been granted in respect of any land, the local planning authority shall not treat development of that class as development for which planning permission would have been refused by reason only that it would have involved development of the land in question (or of that land together with other land) otherwise than in accordance with the provisions of the development plan relating thereto.
- (8) Where an application for a certificate under this section relates to land of which part (but not the whole) consists or forms part of such an area as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section, any certificate issued under this section in pursuance of that application shall be limited to so much of that land as does not fall within any such area.
- (9) On issuing to one of the parties directly concerned a certificate under this section in respect of an interest in land, the local planning authority shall serve a copy of the certificate on the other of those parties.

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## PART II

### SECTION 25 OF <sup>M198</sup>LAND COMPENSATION (SCOTLAND) ACT 1963

#### Marginal Citations

M198 1963 c. 51 (28:2)

#### *Certification of appropriate alternative development.*

- 25 (1) Where an interest in land is proposed to be acquired by an authority possessing compulsory purchase powers, and that land or part thereof does not consist or form part of—
- (a) an area defined in the development plan as an area of comprehensive development, or
  - (b) an area shown in the development plan as an area allocated primarily for a use which is of a residential, commercial or industrial character, or for a range of two or more uses any of which is of such a character,
- then, subject to subsection (2) of this section, either of the parties directly concerned may apply to the planning authority for a certificate under this section.
- (2) If, in the case of an interest in land falling within subsection (1) of this section, the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority, and a reference has been made to the Land Tribunal for Scotland to determine the amount of the compensation payable in respect of that interest, no application for a certificate under this section shall be made by either of the parties directly concerned after the date of that reference except either—
- (a) with the consent in writing of the other of those parties, or
  - (b) with the leave of the Lands Tribunal for Scotland.
- (3) An application for a certificate under this section—
- (a) shall state whether or not there are in the applicant's opinion, any classes of development which, either immediately or at a future time, would be appropriate for the land in question if it were not proposed to be acquired by any authority possessing compulsory purchase powers and, if so, shall specify the classes of development and the times at which they would be so appropriate;
  - (b) shall state the applicant's grounds for holding that opinion; and
  - (c) shall be accompanied by a statement specifying the date on which a copy of the application has been or will be served on the other party directly concerned.
- (4) Where an application is made to the planning authority for a certificate under this section in respect of an interest in land, the planning authority shall, not earlier than twenty-one days after the date specified in the statement mentioned in subsection (3) (c) of this section, issue to the applicant a certificate stating that, in the opinion of the planning authority in respect of the land in question, either—
- (a) planning permission for development of one or more classes specified in the certificate (whether specified in the application or not) would have been granted; or

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- (b) planning permission would not have been granted for any development other than the development (if any) which is proposed to be carried out by the authority by whom the interest is proposed to be acquired.
- (5) Where, in the opinion of the planning authority, planning permission would have been granted as mentioned in subsection (4)(a) of this section, but would only have been granted subject to conditions, or at a future time, or both subject to conditions and at a future time the certificate shall specify those conditions, or that future time, or both, as the case may be, in addition to the other matters required to be contained in the certificate.
- (6) For the purposes of subsection (5) of this section, a planning authority may formulate general requirements applicable to such classes of case as may be described therein; and any conditions required to be specified in the certificate in accordance with that subsection may, if it appears to the planning authority to be convenient to do so, be specified by reference to those requirements, subject to such special modifications thereof (if any) as may be set out in the certificate.
- (7) In determining, for the purposes of the issue of a certificate under this section, whether planning permission for any particular class of development would have been granted in respect of any land, the planning authority shall not treat development of that class as development for which planning permission would have been refused by reason only that it would have involved development of the land in question (or of that land together with other land) otherwise than in accordance with the provisions of the development plan relating thereto.
- (8) Where an application for a certificate under this section relates to land of which part (but not the whole) consists or forms part of such an area as is mentioned in subsection (1)(a) or subsection (1)(b) of this section, any certificate issued under this section in pursuance of that application shall be limited to so much of that land as does not fall within any such area.
- (9) On issuing to either of the parties directly concerned a certificate under this section in respect of an interest in land, the planning authority shall serve a copy of the certificate on the other of those parties.

## SCHEDULE 25

Section 133.

### NEW TOWNS

<sup>F413</sup>1—6. . . . .

#### Textual Amendments

**F413** Sch. 25 Pt. I (paras. 1–6) repealed by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), s. 81, [Sch. 11 para. 13](#), [Sch. 13](#)



**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

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## PART II

### AMENDMENT OF <sup>M199</sup>NEW TOWNS (SCOTLAND) ACT 1968

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

**C171** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M199** 1968 c. 16.

- 7 In section 18(4) of the 1968 Act, after “disposal thereof by way of” insert “ sale ”.

## PART III

### AMENDMENT OF LAND COMPENSATION ACT 1961

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

**C172** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 8 (1) After paragraph 8 of Schedule 1 to the <sup>M200</sup>Land Compensation Act 1961 (disregard of development in certain cases, including cases where land forms part of a new town area) there shall be inserted the following:

“9 (1) This paragraph applies where, before the date of service of the notice to treat for the purposes of a compulsory acquisition (the relevant acquisition), the land has been disposed of by an authority or body in circumstances where paragraph 3 or 3A of this Schedule would have applied if (at the time of the disposal) the authority or body had been compulsorily acquiring the land.

(2) In that case, paragraphs 3 and 3A shall not apply for the purposes of the relevant acquisition.”

(2) This paragraph does not apply where a notice to treat has been served before this paragraph comes into force.

#### Marginal Citations

**M200** 1961 c. 33.

**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 11 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## PART IV

### AMENDMENTS OF LAND COMPENSATION (SCOTLAND) ACT 1963

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

**C173** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 9 (1) In Schedule 1 to the <sup>M201</sup>Land Compensation (Scotland) Act 1963 there shall be inserted below the words “Schedule 1” a new cross heading “Part I” and at the end of that Schedule there shall be added the following:—

#### “PART II

##### SPECIAL PROVISION AS TO NEW TOWNS

- 5 (1) This paragraph applies where, before the date of service of the notice to treat for the purposes of a compulsory acquisition (the relevant acquisition), the land has been disposed of by an authority or body in circumstances where paragraph 3 or 3A of this Schedule would have applies if (at the time of the disposal) the authority or body had been compulsorily acquiring the land.
- (2) In that case, paragraphs 3 and 3A shall not apply for the purposes of the relevant acquisition.”.
- (2) in sections 13, 14 and 15 of the said Act after the words “first column” and the words “second column” wherever they occur there shall be inserted the words “ of Part I ”;
- (b) in section 13 of the said Act after subsection (2) there shall be inserted a new subsection as follows:
- “(2A) The provisions of Part II of Schedule 1 to this Act shall have effect with regard to paragraphs 3 and 3A of Part I of that Schedule.”.
- (3) This paragraph shall not apply where a notice to treat has been served before this paragraph comes into force.

#### Marginal Citations

**M201** 1963 c. 51.

**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 11 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULE 26

Section 135.

## URBAN DEVELOPMENT CORPORATIONS

*<sup>F414</sup> Members***Textual Amendments**

**F414** Sch. 26 shall cease to have effect (E.W.) (1.10.1996) by virtue of 1996 c. 52, s. 222, Sch. 18 Pt. IV para. 22(1)(b)(3); S.I. 1996/2402, art. 3, Sch.

- 1 An urban development corporation (in this Schedule referred to as a “corporation”) shall consist of a chairman, a deputy chairman and such number of other members (not less than five but not exceeding 11) as the Secretary of State may by order under section 135 above prescribe.
- 2 (1) The members of a corporation shall be appointed by the Secretary of State.
  - (2) In appointing members of the corporation the Secretary of State shall have regard to the desirability of securing the services of people having special knowledge of the locality in which the urban development area is or will be situated.
  - (3) In relation to the possible appointment of people falling within sub-paragraph (2) above, the Secretary of State shall consult such local authorities as appear to him to be concerned with the regeneration of the urban development area.
  - (4) The Secretary of State shall appoint two of the members to be respectively chairman and deputy chairman of the corporation.
- 3 Subject to the following provisions of this Schedule, a member of the corporation, and the chairman and deputy chairman of the corporation, shall hold and vacate office as such in accordance with the terms of the instrument by which they are respectively appointed.
- 4 If the chairman or deputy chairman ceases to be a member of the corporation, he shall also cease to be chairman or deputy chairman, as the case may be.
- 5 Any member of the corporation may, by notice in writing addressed to the Secretary of State, resign his membership; and the chairman or deputy chairman may, by the like notice, resign his office as such.
- 6 If the Secretary of State is satisfied that a member of the corporation (including the chairman or deputy chairman)—
  - (a) has become bankrupt or made an arrangement with his creditors (or in Scotland has had his estate sequestrated or has made a trust deed for the behoof of his creditors or a composition contract), or
  - (b) is incapacitated by physical or mental illness, or
  - (c) has been absent from meetings of the corporation for a period longer than 3 consecutive months without the permission of the corporation, or
  - (d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,
 the Secretary of State may remove him from his office.
- 7 A member of the corporation who ceases to be a member or ceases to be chairman or deputy chairman shall be eligible for reappointment.

**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

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### Remuneration

- 8 The corporation may pay to each member such remuneration and allowances as the Secretary of State may determine with the consent of the Minister for the Civil Service.

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

**C174** [Sch. 26 para. 8](#): certain functions of the Minister for the Civil Service transferred to the Treasury by [S.I. 1981/1670](#), [art. 2](#)

- 9 The corporation may pay or make provision for paying, to or in respect of any member, such sums by way of pensions, allowances and gratuities as the Secretary of State may determine with the consent of the Minister for the Civil Service.

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

**C175** [Sch. 26 para. 9](#): certain functions of the Minister for the Civil Service transferred to the Treasury by [S.I. 1981/1670](#), [art. 2](#)

- 10 Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the corporation may make to him payment of such amount as the Secretary of State may determine with the consent of the Minister for the Civil Service.

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

**C176** [Sch. 26 para. 10](#): certain functions of the Minister for the Civil Service transferred to the Treasury by [S.I. 1981/1670](#), [art. 2](#)

### Staff

- 11 (1) A corporation may, with the approval of the Secretary of State, appoint such officers and servants as the corporation may determine.
- (2) References in paragraph 12 below to employees of a corporation are to persons appointed in pursuance of this paragraph.
- 12 (1) Employees of a corporation shall be appointed at such remuneration and on such other terms and conditions as the corporation may determine.
- (2) A corporation may pay such pensions, allowances or gratuities as it may determine to or in respect of any of its employees, make such payments as it may determine towards the provision of pensions, allowances or gratuities to or in respect of any of its employees or provide and maintain such schemes as it may determine (whether

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contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any of its employees.

- (3) The reference in sub-paragraph (2) above to pensions, allowances or gratuities to or in respect of any of a corporation's employees includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the corporation's employees who suffer loss of office or employment or loss or diminution of emoluments.
- (4) If an employee of a corporation becomes a member and was by reference to his employment by the corporation a participant in a pension scheme maintained by the corporation for the benefit of any of its employees, the corporation may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of the corporation whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 9 above.
- (5) A determination of the corporation for the purposes of this paragraph is ineffective unless made with the approval of the Secretary of State given with the consent of the Minister for the Civil Service.

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

**C177** [Sch. 26 para. 12](#): certain functions of the Minister for the Civil Service transferred to the Treasury by [S.I. 1981/1670, art. 2](#)

*Meetings and proceedings*

- 13 The quorum of the corporation and the arrangements relating to its meetings shall, subject to any directions given by the Secretary of State, be such as the corporation may determine.
- 14 The validity of any proceedings of the corporation shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

*Instruments, etc.*

- 15 The fixing of the seal of the corporation shall be authenticated by the signature of the chairman or of some other member authorised either generally or specially by the corporation to act for that purpose.
- 16 Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the corporation by any person generally or specially authorised by it to act for that purpose.
- 17 Any document purporting to be a document duly executed under the seal of the corporation shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

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### *House of Commons disqualification*

- 18 In Part III of Schedule 1 to the <sup>M202</sup>House of Commons Disqualification Act 1975 (disqualifying offices), there shall be inserted at the appropriate place in alphabetical order:—

“Any member, in receipt of remuneration, of an urban development corporation (within the meaning of Part XVI of the Local Government Planning and Land Act 1980)”.]

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

**C178** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **Marginal Citations**

**M202** 1975 c. 24.

## SCHEDULE 27

Section 141.

### VESTING OF LAND IN URBAN DEVELOPMENT CORPORATIONS

- 1<sup>F415</sup>—8.

#### **Textual Amendments**

**F415** Sch. 27 Pt. I paras. 1–8 repealed (E.W.) by [Compulsory Purchase \(Vesting Declarations\) Act 1981 \(c. 66, SIF 28:1\)](#), s. 16(3), [Sch. 5](#)

- 9 The <sup>M203</sup>Land Compensation Act 1961 shall have effect in relation to orders under section 141 above subject to the modifications specified in paragraphs 10 to 14 below.

#### **Marginal Citations**

**M203** 1961 c. 33 (28:1)

- 10 References to the date of service of a notice to treat shall be treated as references to the date on which an order under that section comes into force.
- 11 Section 17(2) shall be treated as if for the words “the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority” there were substituted the words “an order under section 141 of the Local Government, Planning and Land Act 1980 vesting the land in which the interest subsists in an urban development corporation has come into force, or an agreement has been made for the sale of the interest to such a corporation”.

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- 12 In section 22—
- (a) subsection (2) shall be treated as if at the end of paragraph (c) there were added the words “or
  - (d) where an order has been made under section 141 of the Local Government, Planning and Land Act 1980 vesting the land in which the interest subsists in an urban development corporation.”; and
  - (b) subsection (3) shall be treated as if in paragraph (a) the words “or (d)” were inserted after the words “paragraph (b)”.
- 13 Any reference to a notice to treat in section 39(2) shall be treated as a reference to an order under section 141 above.
- F416 14 . . . . .

#### Textual Amendments

**F416** Sch. 27 para. 14, Sch. 33 paras. 6, 8 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)

## PART II

### MODIFICATION OF ENACTMENTS: SCOTLAND

- 15 Paragraphs 6 to 13 and 16 to 39 of Schedule 24 to the Town and Country Planning (Scotland) Act 1972 shall have effect in relation to orders under section 141 above, subject to the modifications specified in paragraphs 16 to 20 below.
- 16 Any reference to a general vesting declaration shall be treated as a reference to an order under that section.
- 17 The references in paragraphs 6 and 7 to the end of the period specified in a general vesting declaration shall be treated as references to the date on which such an order comes into force and the reference in paragraph 9 to the acquiring authority having made a general vesting declaration shall be treated as a reference to such an order having come into force.
- 18 In paragraph 6—
- (a) the reference to every person on whom, under section 17 of the <sup>M204</sup>Lands Clauses Consolidation (Scotland) Act 1845, the acquiring authority could have served a notice to treat, shall be treated as a reference to every person whose interest in the land to which such an order relates is vested by the order in the urban development corporation; and
  - (b) Paragraph (a) shall be omitted.

#### Marginal Citations

**M204** 1845 c 19 (28:2).



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- 19 The reference in paragraph 20(2) to the date on which the notice required by paragraph 4 is served on any person shall be treated as a reference to the date on which such an order comes into force.
- 20 In paragraph 29—
- (a) sub-paragraph (1)(a) shall be omitted; and
  - (b) the reference in sub-paragraph (1)(b) to the date on which a person first had knowledge of the execution of the general vesting declaration shall be treated as a reference to the date on which an order under section 141 above came into force.
- 21 The <sup>M205</sup>Land Compensation (Scotland) Act 1963 shall have effect in relation to orders under section 141 above subject to the modifications specified in paragraphs 22 to 26 below.

**Marginal Citations**

M205 1963 c. 51 (28:2).

- 22 References to the date of service of a notice to treat shall, be treated as references to the date on which an order under that section comes into force.
- 23 Section 25(2) shall be treated as if for the words “the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority” there were substituted the words “an order under section 141 of the Local Government, Planning and Land Act 1980 vesting the land in which the interest subsists in an urban development corporation has come into force, or an agreement has been made for the sale of the interest to such a corporation.”
- 24 In section 30—
- (a) subsection (2) shall be treated as if at the end of paragraph (c) there were added the words “or
  - (d) where an order has been made under section 141 of the Local Government, Planning and Land Act 1980 vesting the land in which the interest subsists in an urban development corporation.”; and
  - (b) subsection (3) shall be treated as if in paragraph (a) the words “or (2)(d)” were inserted after the words “sub-section (2)(b)”.
- 25 Any reference to a notice to treat in section 45(2) shall be treated as a reference to an order under section 141 above.
- 26 In Schedule 2, paragraph 1(2)(a) shall be treated as if the words “or the coming into force of an order under section 141 of the Local Government, Planning and Land Act 1980 for the vesting of the land in an urban development corporation” were inserted after the word “land”.



*Status: Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.*

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## SCHEDULE 28

Section 144.

## URBAN DEVELOPMENT CORPORATIONS: LAND

## PART I

## MODIFICATIONS OF [F4171981] AND 1947 ACTS

**Textual Amendments**

**F417** Word substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115\)](#), [s. 17\(2\)\(a\)](#) and [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), [s. 34\(2\)](#), [Sch. 5 para. 1](#)

- 1 The [F4181981] Act and the 1947 Act shall apply in relation to the compulsory acquisition of land under section 142 or 143 above with the modifications made by the following provisions of this Part of this Schedule [F419] and in paragraph 2 below as it applies in England and Wales for “Part I of Schedule 1” and “paragraph 6 of Schedule 1” substitute respectively “section 2(2)” and “section 15”.]

**Textual Amendments**

**F418** Word substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), [s. 34](#), [Sch. 4 para. 30\(12\)\(a\)](#)

**F419** Words added by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), [s. 34](#), [Sch. 4 para. 30\(12\)](#)

- 2 (1) Where a compulsory purchase order authorising the acquisition of any land is submitted to the Secretary of State in accordance with Part I of Schedule 1 then, if the Secretary of State—
- (a) is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised therein, but
  - (b) has not for the time being determined whether it ought to be confirmed so far as it relates to any other such land,
- he may confirm the order so far as it relates to the land mentioned in paragraph (a) above, and give directions postponing the consideration of the order, so far as it relates to any other land specified in the directions, until such time as may be so specified.
- (2) Where the Secretary of State gives directions under sub-paragraph (1) above, the notices required by paragraph 6 of Schedule 1 to be published and served shall include a statement of the effect of the directions.
- [F4203 (1) Notwithstanding anything in paragraph 10 of Schedule 1, a compulsory purchase order under section 142 or 143 above authorising the acquisition of land which has been acquired by statutory undertakers for the purposes of their undertaking may be confirmed without a certificate under that paragraph.
- (2) Except where the appropriate Minister’s certificate is given, a compulsory purchase order to which this paragraph applies shall be of no effect unless it is confirmed by the appropriate Minister jointly with the Minister or Ministers who would apart from this sub-paragraph have power to confirm it.

In this sub-paragraph “the appropriate Minister’s certificate” means such a certificate as is mentioned in paragraph 10 of Schedule 1.

**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government, Planning and Land Act 1980 is up to date with all changes known to be in force on or before 11 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Sections 238 to 240 of the Act of 1971 (measure of compensation for statutory undertakers) and sections 227 to 229 of the 1972 Act (which make similar provision for Scotland) shall apply in respect of a compulsory acquisition which is effected by a compulsory purchase order which by virtue of this paragraph is confirmed without a certificate.]

#### Textual Amendments

**F420** [Para 3](#) repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 6 Pt. I](#)

## PART II

### ACQUISITION OF LAND BY AGREEMENT

- 4 (1) The provisions of Part I of the <sup>M206</sup>Compulsory Purchase Act 1965 (so far as applicable), other than section 31, shall apply in relation to the acquisition of land by agreement under section 142 above; and in the said Part I as so applied “land” shall have the meaning given by the <sup>M207</sup>Interpretation Act 1978.
- (2) For the purpose of the acquisition by agreement of land in Scotland under section 142 of this Act, the Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections 120 to 125 of the <sup>M208</sup>Lands Clauses Consolidation (Scotland) Act 1845) and sections 6 and 70 of the <sup>M209</sup>Railways Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act, as originally enacted and not as amended for certain purposes by section 15 of the <sup>M210</sup>Mines (Working Facilities and Support) Act 1923 shall be incorporated with section 142 of this Act, and in construing those Acts for the purpose of that section, that section shall be deemed to be the special Act, and the urban development corporation to be promoters of the undertaking or company, as the case may require; and in those Acts as so incorporated “land” shall have the meaning given by the <sup>M211</sup>Interpretation Act 1978.

#### Marginal Citations

**M206** 1965 c. 56 (28:1).

**M207** 1978 c. 30 (115:1).

**M208** 1845 c. 19 (28:2).

**M209** 1845 c. 33 (102).

**M210** 1923 c. 20 (102).

**M211** 1978 c. 30 (115:1).

**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

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## PART III

### LAND: SUPPLEMENTARY

#### *Extinguishment of rights over land*

- 5 (1) Subject to this paragraph, on an order under section 141 above coming into force or the completion by an urban development corporation or local highway authority of a compulsory acquisition of land under this Part of this Act, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the corporation or (as the case may be) authority.
- (2) Sub-paragraph (1) above does not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of carrying on their undertaking [<sup>F421</sup>or to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or to any telecommunication apparatus kept installed for the purposes of any such system]
- (3) In respect of any right or apparatus not falling within sub-paragraph (2) above, sub-paragraph (1) above shall have effect subject—
- (a) to any direction given by the Secretary of State before the coming into force of the order (or, as the case may be, by the corporation before the completion of the acquisition) that sub-paragraph (1) above shall not apply to any right or apparatus specified in the direction, and
  - (b) to any agreement which may be made (whether before or after the coming into force of the order or completion of the acquisition) between the Secretary of State (or corporation) and the person in or to whom the right or apparatus in question is vested or belongs.
- (4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this paragraph shall be entitled to compensation from the corporation.
- (5) Any compensation payable under this paragraph shall be determined in accordance with the <sup>M212</sup>Land Compensation Act 1961 or the <sup>M213</sup>Land Compensation (Scotland) Act 1963.

#### **Textual Amendments**

**F421** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 4 para. 75\(2\)](#)

#### **Marginal Citations**

**M212** [1961 c. 33 \(28:1\)](#).

**M213** [1963 c. 51 \(28:2\)](#).

#### *Power to override easements*

- 6 (1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act, whether done by the corporation or authority or by any other person, is authorised by virtue of this paragraph if it is done in accordance with planning permission, notwithstanding that

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it involves interference with an interest or right to which this paragraph applies, or involves a breach of a restriction as to the user of land by virtue of a contract.

- (2) Nothing in sub-paragraph (1) above shall authorise interference with an right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land, being a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking [<sup>F422</sup>of a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system].
- (3) This paragraph applies to the following interests and rights, that is to say, any easement, servitude, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.
- (4) In respect of any interference or breach in pursuance of sub-paragraph (1) above, compensation shall be payable under section 7 or 10 of the <sup>M214</sup>Compulsory Purchase Act 1965 (or section 61 of the <sup>M215</sup>Lands Clauses Consolidation (Scotland) Act 1845 and section 6 of the <sup>M216</sup>Railways Clauses Consolidation (Scotland) Act 1845), to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase by an urban development corporation or local highway authority or the injury arises from the execution of works on land acquired by such a corporation or authority.
- (5) Where a person other than the urban development corporation or local highway authority by or in whom the land in question was acquired or vested is liable to pay compensation by virtue of sub-paragraph (4) above, and fails to discharge that liability, the liability shall (subject to sub-paragraph (6) below) be enforceable against the corporation or authority.
- (6) Nothing in sub-paragraph (5) above shall be construed as affecting any agreement between the corporation or authority and any other person for indemnifying the corporation or authority against any liability under that sub-paragraph.
- (7) Nothing in this paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit(*or in Scotland at the instance*) of any person on any grounds other than such an interference or breach as is mentioned in sub-paragraph (1) above.
- (8) Nothing in this paragraph shall be construed as authorising any act or omission on the part of an urban development corporation or local highway authority, or of any body corporate, in contravention of any limitation imposed by law on its capacity by virtue of the constitution of the corporation, authority or body.

#### Textual Amendments

**F422** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 4 para. 75\(3\)](#)

#### Marginal Citations

**M214** 1965 c. 56 (28:1).

**M215** 1845 c. 19 (28:2).

**M216** 1845 c. 33 (102).

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### *Consecrated land and burial grounds*

- 7 (1) Any consecrated land, whether including a building or not, which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act may (subject to the following provisions of this paragraph) be used by the corporation or authority, or by any other person, in any manner in accordance with planning permission, notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land.
- (2) Sub-paragraph (1) above does not apply to land which consists or forms part of a burial ground.
- (3) Any use of consecrated land authorised by sub-paragraph (1) above, and the use of any land, not being consecrated land, vested or acquired as mentioned in that sub-paragraph which at the time of acquisition included a church or other building used or formerly used for religious worship or the site thereof, 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, in the case of consecrated land, 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 thereof, remains on the land.
- (4) Any regulations made for the purposes of sub-paragraph (3) 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 sub-paragraph (3) above such as appear to the Secretary of State requisite for securing that the provisions of that sub-paragraph 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.
- (5) Any land consisting of a burial ground or part of a burial ground, which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act may be used by the corporation or authority in any manner in accordance with planning permission, 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.
- (6) Sub-paragraph (5) above shall 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 or upon the land have been complied with.
- (7) Provision shall be made by any regulation made for the purposes of sub-paragraph (3) above and sub-paragraph (6) above—

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- (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;
  - (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.
- (8) Subject to the provisions of any such regulations, no faculty shall be required for the removal and reinterment in accordance with the regulations of any human remains, or for the removal or disposal of any monuments, and the provisions of section 25 of the <sup>M217</sup>Burial Act 1857 (which prohibits the removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.
- (9) Any power conferred by this paragraph to use land in a manner therein mentioned 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.
- (10) Nothing in this paragraph 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 sub-paragraph (1) of sub-paragraph (5) above.
- (11) Sub-paragraph (8) of paragraph 6 above shall apply in relation to this paragraph as it applies in relation to that.
- (12) In this paragraph “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.
- (13) In this paragraph “prescribed” means prescribed by regulations made by the Secretary of State.
- (14) The power to make regulations under this paragraph shall be exercisable by statutory instrument; and any statutory instrument containing regulations made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (15) This paragraph shall not apply to Scotland.

#### Marginal Citations

**M217** 1857 c. 81 (17:1).

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### *Churches and burial grounds in Scotland*

- 8.. Section 118 of the 1972 Act shall have effect in relation to land in Scotland which is required by an urban development corporation or a local highway authority for the purposes of this Part of this Act as it has in relation to land acquired by a planning authority as mentioned in subsection (1) of that section.

### *Open spaces*

- 9 (1) Any land being, or forming part of, a common, open space or fuel or field garden allotment, which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act may be used by the corporation or authority, or by any other person, in any manner in accordance with planning permission, 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 paragraph shall be construed as authorising any act or omission on the part of any person which is actionable at the suit(*or in Scotland at the instance*) of any person on any grounds other than contravention of any such enactment as is mentioned in sub-paragraph (1) above.
- (3) Sub-section (8) of paragraph 6 above shall apply in relation to this paragraph as it applies in relation to that.
- (4) In the application of this paragraph to Scotland, the words “or fuel or field garden allotment” shall be omitted.

### *Displacement of persons*

- 10 If the Secretary of State certifies that possession of a house which has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this part of this Act and 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>M218</sup>Rent (Agriculture) Act 1976 or the <sup>M219</sup>Rent Act 1977 [<sup>F423</sup>or the Housing Act 1988] or the Rent (Scotland) Acts 1971 to 1975 [<sup>F424</sup>or the <sup>M220</sup>Rent (Scotland) Act 1984 [<sup>F425</sup>or the Housing (Scotland) Act 1988]] shall prevent that corporation or authority from obtaining possession of the house.

#### **Textual Amendments**

**F423** Words inserted by [Housing Act 1988 \(c. 50, SIF 61, 75:1\)](#), s. 140(1), **Sch. 17 para. 29**

**F424** Words inserted (S.) by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\)](#), s. 117(1), **Sch. 8 Pt. II**

**F425** Words inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(2), **Sch. 9 para. 2**

#### **Marginal Citations**

**M218** [1976 c. 80 \(75:3\)](#).

**M219** [1977 c. 42 \(75:3\)](#).

**M220** [1984 c. 58 \(75:4\)](#).



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### *Extinguishment of public rights of way*

- 11 (1) Where any land has been vested in or acquired by an urban development corporation or local highway authority for the purposes of this Part of this Act and is for the time being held by that corporation or authority for those purposes, 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 paragraph, 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>F426</sup>or, in Wales, the local planning authority] (or in Scotland the planning authority exercising district planning functions within the meaning of section 172 of the <sup>M221</sup>Local Government (Scotland) Act 1973) in whose area the land is situated, and
- (ii) on the relevant highway authority.

In this sub-paragraph “the relevant highway authority” means any authority which is a highway authority in relation to the right of way proposed to be extinguished by the order, other than an authority which has applied for the order to be made.

- (3) Where an objection to a proposal to make an order under this paragraph is duly made and is not withdrawn, the provisions of paragraph 12 below shall have effect in relation to the proposal.
- (4) For the purposes of this paragraph 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 paragraph, and
  - (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.
- (5) Where it is proposed to make an order under this paragraph extinguishing a public right of way over a road on land acquired for the purposes of this Act by an urban development corporation, and compensation in respect of restrictions imposed under section 1 or 2 of the <sup>M222</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 which, when the compensation was paid, was the authority for the purposes of section 4 of the <sup>M223</sup>Trunks Roads Act 1936), the order may provide for the payment by the urban development corporation to that authority, in respect of the compensation so paid of such sums as the Secretary of State, with the consent of the Treasury, 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 paragraph of a public right of way, section 143 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.



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- (7) Where the Secretary of State makes an order under this paragraph on the application of an urban development corporation or local highway authority, he shall send a copy of it to the Post Office.

#### Textual Amendments

**F426** Words in [Sch. 28 para. 11\(2\)\(b\)\(i\)](#) inserted (1.4.1996) by [1994 c. 19, s. 20\(4\)](#), [Sch. 6 Pt. II para. 16\(2\)](#) (with [ss. 54\(5\)\(7\)](#), [55\(5\)](#), [Sch. 17 paras. 22\(1\)](#), [23\(2\)](#)); [S.I. 1996/396, art. 3](#), [Sch. 1](#)

#### Marginal Citations

**M221** [1973 c. 65 \(81:2\)](#).

**M222** [1935 c. 47 \(108\)](#).

**M223** [1936 c. 5](#). (1 Edw. 8 & 1 Geo. 6).

- 12 (1) In this paragraph any reference to making a final decision, in relation to an order, is a reference to deciding whether to make the order or what modification, if any, ought to be made.
- (2) Unless the Secretary of State decides apart from the objection not to make the order, or decides to make a modification which is agreed to by the objector as meeting the objection, the Secretary of State shall, before making a final decision, consider the grounds of the objection as set out in the statement comprised in or submitted with the objection, and may, if he thinks fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.
- (3) In so far as the Secretary of State, after considering the grounds of the objection as set out in the original statement and in any such further statement, is satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation, the Secretary of State may treat the objection as irrelevant for the purpose of making a final decision.
- (4) If, after considering the grounds of the objection as set out in the original statement and in any such further statement, the Secretary of State is satisfied that, for the purpose of making a final decision, he is sufficiently informed as to the matters to which the objection relates, or if, where a further statement has been required, it is not submitted within the specified period, the Secretary of State may make a final decision without further investigation as to those matters.
- (5) Subject to sub-paragraphs (3) and (4) above, the Secretary of State, before making a final decision, shall afford to the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the Secretary of State; and if the objector avails himself of that opportunity, the Secretary of State shall afford an opportunity of appearing and being heard on the same occasion to the statutory undertakers, urban development corporation or other person, if any, on whose representation the order is proposed to be made, and to any other persons to whom it appears to the Secretary of State to be expedient to afford such an opportunity.
- (6) Notwithstanding anything in the preceding provisions of this paragraph, if it appears to the Secretary of State that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision, he shall cause such an inquiry to be held; and where he determines to cause such an

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inquiry to be held, any of the requirements of those provisions to which effect has not been given at the time of that determination shall be dispensed with.

### *Telegraphic lines*

[<sup>F427</sup>13(1) Where an order under paragraph 11 above extinguishing a public right of way is made on the application of an urban development corporation or local highway authority, and at the time of the publication of the notice required by sub-paragraph (2) of that paragraph any telecommunication apparatus was kept installed for the purposes of a telecommunications code system under, in, on, over, along or across the land over which the right of way subsisted—

- (a) the power of the operator of the system 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 the system 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 the system may by notice given in that behalf to the corporation or authority not later than the end of the said period of three months abandon the telecommunication apparatus or any part of it;
- (c) subject to paragraph (b), the operator of the system 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 the system shall be entitled to recover from the corporation or authority the expense of providing, in substitution for the apparatus and any other telecommunication apparatus connected with it which is rendered useless in consequence of the removal or abandonment of the first-mentioned apparatus, any telecommunication apparatus in such other place as the operator may require;
- (e) where under the preceding provisions of this sub-paragraph the operator of the system has abandoned the whole or any part of any telecommunication 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 a telecommunications code system.

(2) As soon as practicable after the making of an order under paragraph 11 above extinguishing a public right of way in circumstances in which sub-paragraph (1) above applies in relation to the operator of any telecommunications code system, the Secretary of State shall give notice to the operator of the making of the order.]

#### **Textual Amendments**

**F427** Para. 13 substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, Sch. 4 para. 75(4)(5), [Sch. 5 para. 45](#)

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### *Statutory undertakers*

- 14 (1) Where any land has been acquired by an urban development corporation under section 142 above and—
- (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over that land; or
  - (b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, the corporation, if satisfied that the extinguishment of the right or, as the case may be, the removal of the apparatus, is necessary for the purpose of carrying out any development, may serve on the statutory undertakers a notice stating that, at the end of the period of 28 days from the date of service of the notice or such longer period as may be specified therein, the right will be extinguished or requiring that, before the end of that period, the apparatus shall be removed.
- (2) The statutory undertakers on whom a notice is served under sub-paragraph (1) above may, before the end of the period of 28 days from the service of the notice, serve a counter-notice on the corporation stating that they object to all or any provisions of the notice and specifying the grounds of their objection.
- (3) If no counter-notice is served under sub-paragraph (2) above—
- (a) any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice; and
  - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been complied with, the corporation may remove the apparatus and dispose of it in any way it may think fit.
- (4) If a counter-notice is served under sub-paragraph (2) above on a corporation, the corporation may either withdraw the notice (without prejudice to the service of a further notice) or may apply to the Secretary of State and the appropriate Minister for an order under this paragraph embodying the provisions of the notice with or without modification.
- (5) Where by virtue of this paragraph any right vested in or belonging to statutory undertakers is extinguished, or any requirement is imposed on statutory undertakers, those undertakers shall be entitled to compensation from the corporation.
- (6) [<sup>F428</sup>Sections 280 and 282 of the 1990 Act] or as the case may be sections 227 and 229 of the 1972 Act (measure of compensation for statutory undertakers) shall apply to compensation under sub-paragraph (5) above as they apply to compensation under [<sup>F428</sup>section 279(2) of the 1990 Act], or as the case may be section 226(2) of the 1972 Act.
- [<sup>F429</sup>(7) Except in a case in which paragraph 13 above has effect—
- (a) the reference in paragraph (a) of sub-paragraph (1) above to a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system; and

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- (b) the reference in paragraph (b) of that sub-paragraph to apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to telecommunication apparatus kept installed for the purposes of any such system;

and for the purposes of this sub-paragraph, in this paragraph (except the said paragraphs (a) and (b)) and in paragraph 15 below, references to statutory undertakers shall have effect as references to the operator of any such system and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.]

#### Textual Amendments

**F428** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 44(11)(a)**

**F429** [Para. 14\(7\)](#) substituted for [para 14\(7\)\(8\)](#) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 4 para. 75(6)**, **Sch. 5 para. 45**

- 15 (1) Before making an order under paragraph 14(4) above the Ministers proposing to make the order—
- (a) shall afford to the statutory undertakers on whom notice was served under paragraph 14(1) above an opportunity of objecting to the application for the order; and
  - (b) if any objection is made, shall consider the objection and afford to those statutory undertakers and to the corporation on whom the counter-notice was served, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State and the appropriate Minister for the purpose,
- and may then, if they think fit, make the order in accordance with the application either with or without modification.
- (2) Where an order is made under paragraph 14(4) above—
- (a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order; and
  - (b) if, at the end of the period so specified in relation to any apparatus, and requirement of the order as to the removal of the apparatus has not been complied with, the corporation may remove the apparatus and dispose of it in any way it may think fit.
- 16 (1) Subject to this paragraph, where any land has been acquired by an urban development corporation under section 142 above and—
- (a) there is on, under or over the land apparatus vested in or belonging to statutory undertakers; and
  - (b) the undertakers claim that development to be carried out on the land is such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of the apparatus affected by the development,
- the undertakers may serve on the corporation a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.

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- (2) Where, after the land has been acquired as mentioned in sub-paragraph (1) above, development of the land is begun to be carried out, no notice under this paragraph shall be served later than 21 days after the beginning of the development.
- (3) Where a notice is served under this paragraph, the corporation on which it is served may, before the end of the period of 28 days from the date of service, serve on the statutory undertakers a counter-notice stating that it objects to all or any of the provisions of the notice and specifying the grounds of its objection.
- (4) If no counter-notice is served under sub-paragraph (3) above, the statutory undertakers shall, after the end of the said period of 28 days, have the rights claimed in their notice.
- (5) If a counter-notice is served under sub-paragraph (3) above, the statutory undertakers who served the notice under this paragraph may either withdraw it or may apply to the Secretary of State and the appropriate Minister for an order under this paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it expedient to confer on them.
- (6) Where by virtue of this paragraph or an order of Ministers made under it, statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the corporation for the works to be carried out by the corporation, under the superintendence of the undertakers, instead of by the undertakers themselves.
- (7) Where works are carried out for the removal or re-siting of statutory undertakers' apparatus, being works which the undertakers have the right to carry out by virtue of this paragraph or an order of Ministers made under it, the undertakers shall be entitled to compensation from the corporation.
- (8) [F430Sections 280 and 282 of the 1990 Act] or as the case may be sections 227 and 229 of the 1972 Act (measure of compensation for statutory undertakers) shall apply to compensation under sub-paragraph (7) above as they apply to compensation under [F430section 279(4) of the 1990 Act] or, as the case may be, section 226(3) of the 1972 Act.
- [F431(9) In sub-paragraph (1)(a) above, the reference to apparatus vested in or belonging to statutory undertakers shall include a reference to telecommunication apparatus kept installed for the purposes of a telecommunications code system; and for the purposes of this sub-paragraph, in this paragraph references (except in the said sub-paragraph (1)(a) to statutory undertakers shall have effect as references to the operator of any such system and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.]

#### Textual Amendments

**F430** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(1\)\(b\)](#)

**F431** [Para. 16\(9\)](#) inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\), s. 109, Sch. 4 para. 75\(7\), Sch. 5 para. 45](#)

- 17 (1) The powers conferred by this paragraph shall be exercisable where, on a representation made by statutory undertakers, it appears to the Secretary of State

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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 for an urban development area of services which would not otherwise be provided, or which would not otherwise be satisfactorily provided, or
- (b) to facilitate an adjustment of the carrying on of the undertaking necessitated by any of the acts and events mentioned in sub-paragraph (2) below.

(2) The said acts and events are—

- (a) the acquisition under this Part of 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 of the statutory undertakers in question;
- (b) the extinguishment of a right or the imposition of any requirements by virtue of paragraph 14 above.

(3) The powers conferred by this paragraph shall also be exercisable where, on a representation made by an urban 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 an urban development area under this Part of this Act.

(4) Where the powers conferred by this paragraph 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 sub-paragraph (1)(a) or (3) above, or to secure the adjustment in question, as mentioned in sub-paragraph (1)(b) above, as the case may be.

(5) Without prejudice to the generality of sub-paragraph (4) above, an order under this paragraph 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 buildings 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 sub-paragraph (1)(a) or (3) above, for giving effect to such financial arrangements between the urban 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 as appear to the Secretary of State and the appropriate Minister to be expedient for the purposes of the order.

18 (1) As soon as may be after making such a representation as is mentioned in sub-paragraph (1) or (3) of paragraph 17 above—

- (a) the statutory undertakers, in a case falling within sub-paragraph (1); or
- (b) the urban development corporation, in a case falling within sub-paragraph (3),

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shall publish, in such form and manner as may be directed by the Secretary of State and the appropriate Minister, a notice giving such particulars as may be so directed of the matters to which representation relates, and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, and shall also, if it is so directed by the Secretary of State and the appropriate Minister, serve a like notice on such persons, or persons of such classes, as may be so directed.

- (2) Orders under paragraph 17 above shall be subject to special parliamentary procedure.
- 19 (1) Where, on a representation made by statutory undertakers, the appropriate Minister is satisfied that the fulfilment of any obligations incurred by those undertakers in connection with the carrying on of their undertaking has been rendered impracticable by an act or event to which this sub-paragraph applies, the appropriate Minister may, if he thinks fit, by order direct that the statutory undertakers shall be relieved of the fulfilment of that obligation, either absolutely or to such extent as may be specified in the order.
- (2) Sub-paragraph (1) above applies to the following acts and events:—
    - (a) the compulsory acquisition under the Part of 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 of the statutory undertakers;
    - (b) the extinguishment of a right or the imposition of any requirement by virtue of paragraph 14 above.
  - (3) As soon as may be after making a representation to the appropriate Minister under sub-paragraph (1) above, the appropriate statutory undertakers shall, as may be directed by the appropriate Minister, either publish (in such form and manner as may be so directed) a notice giving such particulars as may be so directed of the matters to which the representation relates, and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, or serve such a notice on such persons, or persons of such classes, as may be so directed, or both publish and serve such notices.
  - (4) If any objection to the making of an order under this paragraph is duly made and is not withdrawn before the order is made, the order shall be subject to special parliamentary procedure.
  - (5) Immediately after an order is made under this paragraph by the appropriate Minister, he shall publish a notice stating that the order has been made and naming a place where a copy of it may be seen at all reasonable hours, and shall serve a like notice—
    - (a) on any person who duly made an objection to the order and has sent to the appropriate Minister a request in writing to serve him with the notice required by this sub-paragraph, specifying an address for service, and
    - (b) on such other persons (if any) as the appropriate Minister thinks fit.
  - (6) Subject to the following provisions of this paragraph, an order under this paragraph shall become operative on the date on which the notice required by sub-paragraph (5) above is first published.
  - (7) Where in accordance with sub-paragraph (4) above the order is subject to special parliamentary procedure, sub-paragraph (6) above shall not apply.
  - (8) If any person aggrieved by an order under this paragraph wishes to question the validity of the order on the ground that it is not within the powers conferred by this

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paragraph, or that any requirement of this paragraph has not been complied with in relation to the order, he may, within six weeks from the date on which the notice required by sub-paragraph (5) above is first published, make an application to the High Court (or in Scotland the Court of Session) under this paragraph.

- (9) On any application under sub-paragraph (8) above the High Court (or the Court of Session)—
- (a) may by interim order wholly or in part suspend the operation of the order, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings;
  - (b) if satisfied that the order is wholly or to any extent outside the powers conferred by this paragraph, or that the interests of the applicant have been substantially prejudiced by the failure to comply with any requirement of this paragraph, may wholly or in part quash the order, either generally or in so far as it affects any property of the applicant.
- (10) Subject to sub-paragraph (8) above, the validity of an order under this paragraph shall not be questioned in any legal proceedings whatsoever, either before or after the order has been made.
- 20 (1) For the purposes of paragraphs 17 and 19 above, an objection to the making of an order thereunder shall not be treated as duly made unless—
- (a) the objection is made within the time and in the manner specified in the notice required by paragraph 18 or (as the case may be) 19 above; and
  - (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.
- (2) Where an objection to the making of such an order is duly made in accordance with sub-paragraph (1) above and is not withdrawn, the following provisions of this paragraph shall have effect in relation thereto; but, in the application of those provisions to an order under paragraph 17 above, any reference to the appropriate Minister shall be construed as a reference to the Secretary of State and the appropriate Minister.
- (3) Unless the appropriate Minister decides apart from the objection not to make an order, or decides to make a modification which is agreed to by the objector as meeting the objection, the appropriate Minister, before making a final decision, shall consider the grounds of the objection as set out in the statement, and may, if he thinks fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.
- (4) In so far as the appropriate Minister, after considering the grounds of the objection as set out in the original statement and in any such further statement, is satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation, the appropriate Minister may treat the objection as irrelevant for the purpose of making a final decision.
- (5) If, after considering the grounds of the objection as set out in the original statement and in any such further statement, the appropriate Minister is satisfied that, for the purpose of making a final decision, he is sufficiently informed as to the matters to which the objection relates, or if, where a further statement has been required, it is not submitted within the specified period, the appropriate Minister may make a final decision without further investigation as to those matters.



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- (6) Subject to sub-paragraphs (4) and (5) above, the appropriate Minister, before making a final decision, shall afford to the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the appropriate Minister; and if the objector avails himself of that opportunity, the appropriate Minister shall afford an opportunity of appearing and being heard on the same occasion to the statutory undertakers, local authority or Minister on whose representation the order is proposed to be made, and to any other persons to whom it appears to the appropriate Minister to be expedient to afford such an opportunity.
- (7) Notwithstanding anything in the preceding provisions of this paragraph, if it appears to the appropriate Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision, he shall cause such an inquiry to be held; and where he determines to cause such an inquiry to be held, any of the requirements of those provisions to which effect has not been given at the time of that determination shall be dispensed with.
- (8) In this paragraph any reference to making a final decision, in relation to an order, is a reference to deciding whether to make the order or what modification (if any) ought to be made.

## PART IV

### ACQUISITION OF RIGHTS

#### *General*

- 21 (1) [<sup>F432</sup>The 1946 Act and] the <sup>M224</sup>Compulsory Purchase Act 1965 shall have effect with the modifications necessary to make them apply to the compulsory purchase of rights by virtue of section 142(4) above as they apply to the compulsory purchase of land so that, in appropriate contexts, references in those Acts to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable, according to the requirements of the particular context.
- (2) Without prejudice to the generality of sub-paragraph (1) above, in relation to the purchase of rights in pursuance of section 143(4) above—
  - (a) [<sup>F433</sup>Part III of Schedule 1 to the 1946 Act (which provides for special parliamentary procedure in the case of the purchase of land of certain descriptions) shall have effect with the adaptations specified in paragraph 22 below;]
  - (b) Part I of the said Act of 1965 (which relates to compulsory purchases under the 1946 Act) shall have effect with the modifications specified in paragraph 23 below; and
  - (c) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

#### Textual Amendments

**F432** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**

**F433** [Para. 21\(2\)\(a\)](#) repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**

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#### Marginal Citations

**M224** 1965 c. 56 (28:1).

<sup>F434</sup>22 .....

#### Textual Amendments

**F434** Sch. 20 para. 3, Sch. 21 para. 14, Sch. 28 Pt. IV para. 22 repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 6 Pt. I**

#### *Adaptation of Part I of 1965 Act*

23 (1) In the <sup>M225</sup>Compulsory Purchase Act 1965 (hereafter in this Part of this Schedule referred to as “the Act”) for section 7 (which relates to compensation) there shall be substituted the following—

“7 (1) In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent, if any, to which the value of the land over which the right is purchased is depreciated by the purchase but also to the damage, if any, to be sustained by the owner of the land by reason of injurious affection of other land of the owner by the exercise of the right.

(2) The modifications subject to which subsection (1) of section 44 of the <sup>M226</sup>Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to compensation for injurious affection under this section, are that for the words “land is acquired or taken” there shall be substituted the words “ a right over land is purchased ” and for the words “acquired or taken from him” there shall be substituted the words “ over which the right is exercisable ””.

(2) For section 8 of the Act (which relates to cases in which a vendor cannot be required to sell part only of a building or garden) there shall be substituted the following—

“8 (1) Where in consequence of the service on a person in pursuance of section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (hereafter in this subsection referred to as “the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (hereafter in this section referred to as “the Tribunal”); and
- (b) before the Tribunal has determined that question the person satisfies the Tribunal that he has an interest which he is able and willing to sell in the whole of the relevant land and—

(i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land, or

(ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs, the compulsory purchase order to which the notice to treat relates shall, in relation to that person, cease

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to authorise the purchase of the right and be deemed to authorise the purchase of that person's interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the Tribunal directs.

- (2) Any question as to the extent of the land in which a compulsory purchase order is deemed to authorise the purchase of an interest by virtue of the preceding subsection shall be determined by the Tribunal.
- (3) Where in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) of this section a compulsory purchase order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.
- (4) The modifications subject to which subsection (1) of section 58 of the <sup>M227</sup>Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to the duty of the Tribunal in determining whether it is satisfied as mentioned in subsection (1) of this section, are that at the beginning of paragraphs (a) and (b) there shall be inserted the words "a right over", for the word "severance" there shall be substituted the words "right on the whole of the house, building or manufactory or of the house and the park or garden " and for the words "part proposed" and "part is" there shall be substituted respectively the words "right proposed" and "right is ""
- (3) The following provisions of the Act (which state the effect of a deed poll executed in various circumstances, where there is no conveyance by persons with interests in the land), namely—
  - section 9(4) (failure of owners to convey);
  - paragraph 10(3) of Schedule 1 (owners under incapacity);
  - paragraph 2(3) of Schedule 2 (absent and untraced owners); and
  - paragraphs 2(3) and 7(2) of Schedule 4 (common land),
 shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the acquiring authority.
- (4) Section 11 of the Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, it has power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff's warrant in the event of obstruction) of the Act shall be modified correspondingly.
- (5) Section 20 of the Act (compensation for short-term tenants) shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the interests but taking into account

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only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.

- (6) Section 22 of the Act (protection of acquiring authority's possession of land where by inadvertence an interest in the land has not been purchased) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right in question, subject to compliance with that section as respects compensation.

#### Marginal Citations

**M225** 1965 c. 56.

**M226** 1973 c. 26 (28:1).

**M227** 1973 c. 26 (28:1).

## SCHEDULE 29

Section 149.

### PLANNING FUNCTIONS OF URBAN DEVELOPMENT CORPORATIONS— ENGLAND AND WALES

#### PART I

#### Enactments referred to in Section 149(3)(a)

[<sup>F435</sup>Sections [<sup>F436</sup>171C,] 172, 173, [<sup>F436</sup>173A,] 178, 183, 184, [<sup>F437</sup>187A,][<sup>F436</sup> 187B,] 188, [<sup>F436</sup>196A to 196C] 197, 198, 199, 201, 206, 207, 209, 211, 213 to 215, 219, 220 and 224 [<sup>F436</sup>324(1)(b) and (c) and (7)] of the 1990 Act.

#### Textual Amendments

**F435** Words substituted as provided by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(12)**

**F436** Words in Sch. 29 Pt. I inserted (E.W.) (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7, para. 5** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1**.

**F437** Words in Sch. 29 Pt. I inserted (E.W.) (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(2), **Sch. 7, para. 5** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch.1**.

Sections 3, 4, 8, 10, 11, 13 to 16, 20, 23 to 25, 38, 42, [<sup>F438</sup>44A,] 47, 48, 50, 53, 54, 60, 69 to 72, 74, 75 and 82 [<sup>F438</sup>88 and 88A] of the Planning (Listed Buildings and Conservation Areas) Act 1990.]

#### Textual Amendments

**F438** Words in Sch. 29 Pt. I inserted (E.W.) (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3, Pt. II, para. 17** (with s. 84(5)); S.I. 1991/2905, **art. 3**.

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## PART II

### ENACTMENTS REFERRED TO IN SECTION 149(3)(B)

An order made by virtue of section 149(3)(b) may make the following modifications in relation to the urban development corporation specified in the order and to land in that corporation's area:—

- [<sup>F439</sup>“1 Section 139 of the 1990 Act shall have effect as if after the word “undertakers” there were inserted—
- (a) in paragraph (b) of subsection (1) the words “or an urban development corporation”;
  - (b) in paragraph (c) of that subsection, the words “or any urban development corporation”; and
  - (c) in subsection (3), the words “or urban development corporation”.
- 2 Section 140(2)(d) of that Act shall have effect as if after the word “undertakers” there were inserted the words “or an urban development corporation”.
- 3 Section 141(4) of that Act shall have effect as if after the word “undertakers” there were inserted the words “or an urban development corporation”.
- 4 Section 143(1)(b) of that Act shall have effect as if—
- (a) after the word “undertakers” in the first place where it occurs, there were inserted the words “or an urban development corporation”; and
  - (b) after that word, in the second place where it occurs, there were inserted the words “or that corporation”.
- 5 The definition of “relevant provisions” in section 148 of that Act shall have effect as if after the word “unndertaking” there were added the words “or, in the case of an urban development corporation, section 142 of the Local Government, Planning and Land Act 1980.”.
- 6 Section 249 of that Act shall have effect as if—
- (a) in subsection (1) after the word “applies” there were inserted the words “subject to subsection (1A)”; and
  - (b) the following subsection were inserted after that subsection—
- (") Any reference in this section and in section 250 to a local planning authority is to be construed as including a reference to an urban development corporation."
- 7 Section 251 of that Act shall have effect as if—
- (a) in subsection (1), for the word “Where” there were substituted the words “Subject to subsection (1A), where”; and
  - (b) the following subsection was inserted after that subsection—
- (") Where any land has been acquired by an urban development corporation or has vested in such a corporation and is for the time being held by them for the purpose of regenerating their area, the Secretary of State may by order extinguish any public right of way over the land if he is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required."
- 8 Section 258 of that Act shall have effect as if—
- (a) in subsection (1), for the word “Where” there were substituted the words “Subject to subsection (1A), where”; and
  - (b) the following subsection were inserted after that subsection—

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- (") Where any land has been acquired by an urban development corporation or has vested in such a corporation and is for the time being held by them for the purpose of regenerating their area, then, subject to section 259, the urban development corporation may by order extinguish any public right of way across the land being a footpath or bridleway, if they are satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required."
- 9** Section 330 of that Act shall have effect as if—
- (a) after the words "local authority" in the first place where they occur in subsection (1), there were inserted the words "or an urban development corporation"; and
  - (b) after those words, in the second place where they occur in subsection (1) and in subsection (3), there were inserted the words "or corporation".
- 10** Section 33 of the Planning (Listed Buildings and Conservation Areas) Act 1990 shall have effect as if—
- (a) in subsection (1)(b) after the word "undertakers" there were inserted the words "or an urban development corporation";
  - (b) in subsection (1)(c), after the word "undertakers" there were inserted the words "or an urban development corporation";
  - (c) in subsection (3), after the word "undertakers" there were inserted the words "or corporation".
- 11** Section 34(2)(d) of that Act shall have effect as if after the word "undertakers" there were inserted the words "or an urban development corporation".
- 12** Section 35(6) of that Act shall have effect as if after the word "undertakers" there were inserted the words "or an urban development corporation".
- 13** Section 36(4) of that Act shall have effect as if after the word "undertakers" in the first place where it occurs there were inserted the words "or an urban development corporation" and in the second place where it occurs there were inserted the words "or that corporation".
- 14** Section 91(2) of that Act shall have effect as if the words "urban development corporation" were inserted at the appropriate place."]

#### Textual Amendments

**F439** Sch. 29 Pt.II paras. 1–14 substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 44(13)

## SCHEDULE 30

Section 149

### PLANNING FUNCTIONS OF URBAN DEVELOPMENT CORPORATIONS—SCOTLAND

#### PART I

##### ENACTMENTS REFERRED TO IN SECTION 149(8)(A)

Section 53 (control of works for demolition, alteration or extension of listed buildings).

**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

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Section 56 (building preservation notice in respect of building not listed).

Section 57 (planning permission to include appropriate provision for preservation and planting of trees).

Section 58 (tree preservation orders).

Section 59 (provisional tree preservation orders).

Section 59A (trees in conservation areas).

Section 60 (replacement of trees).

Section 61 (control of advertisements).

Section 63 (proper maintenance of <sup>F440</sup>land).

#### Textual Amendments

**F440** Word repealed by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\)](#), s. 53(2), [Sch. 12](#), Pts. III, IV

[<sup>F441</sup>Section 83C]

#### Textual Amendments

**F441** Words in [Sch. 30 Pt. I](#) inserted (S.) (26.3.1992) by virtue of [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), s. 61, [Sch. 13 para. 46](#) (with s. 84(5)); S.I. 1992/334, art. 4, [Sch. 2](#).

[<sup>F441</sup>Section 83D]

Section 84 (power to serve enforcement notice) .

[<sup>F441</sup>Section 84AA]

[<sup>F441</sup>Section 84AB]

Section 87 (stop notices).

[<sup>F442</sup>Section 87AA]

#### Textual Amendments

**F442** Words in [Sch. 30 Pt. I](#) inserted (S.) (25.9.1992) by virtue of [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), s. 61, [Sch. 13 para.46](#) (with s. 84(5)); S.I. 1992/1937, [art.4](#).

Section 88 (execution and cost of works required by enforcement notice).

Section 92 (power to serve listed building enforcement notice).

Section 95 (execution and cost of works required by listed building enforcement notice).

Section 97 (urgent works for preservation of certain unoccupied buildings).

[<sup>F441</sup>Section 97AB]

Section 99 (enforcement of duties as to replacement of trees).

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Section 101 (enforcement of control as to advertisements).

Section 104 (compulsory acquisition of listed buildings in need of repair).

Section 105 (repairs notice as preliminary to compulsory acquisition under s. 104).

Section 107 (minimum compensation in cast of listed building deliberately left derelict).

Section 116 (management etc. of listed buildings acquired by local authority or Secretary of State).

Section 257 (application to local planning authorities of provisions as to listed buildings).

[<sup>F441</sup>Section 260A]

Section 262 (designation of conservation area).

Section 262A (control of demolition in conservation area).

Section 262B (formulation and publication of proposals for preservation and enhancement of conservation area).

Schedule 10 (control of works for demolition, alteration or extension of listed buildings).

## PART II

### ENACTMENTS REFERRED TO IN SECTION 149(8)(B)

An order made by virtue of section 149(7)(b) may make the following modifications in relation to the urban development corporation specified in the order and to land in that corporation's area:—

- 1 Section 170 (action by planning authority on whom purchase notice is served) shall have effect as if—
  - (a) after “undertakers”, there were inserted
    - (i) in paragraph (b) of subsection (i), “or an urban development corporation”;
    - (ii) in paragraph (c) of that subsection, “or any urban development corporation”; and
    - (iii) in subsection (2) “or urban development corporation”; and
  - (b) at the end of subsection (5), there were added “or, in the case of an urban development corporation, section 142 of the Local Government, Planning and Land Act 1980, and “urban development corporation” means a corporation established by an order under section 135 of that Act”.
- 2 Section 171 (procedure on reference of purchase notice to Secretary of State) shall have effect as if—
  - (a) in subsection (2)(c)—
    - (i) after “undertakers”, in the first place where it occurs, there were inserted “or an urban development corporation”; and
    - (ii) after that word, in the second place where it occurs, there were inserted “or that corporation”; and



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- (b) there were added after subsection (4):—
  - “(5) In subsections (3) and (4) of this section any reference to persons, authorities or statutory undertakers includes a reference to an urban development corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980.”.
  
- 3 Section 172 (action by Secretary of State in relation to purchase notice) shall have effect as if—
  - (a) after “undertakers”, in the first place where it occurs in subsection (4), there were inserted “or an urban development corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980”; and
  - (b) after that word in the second place where it occurs in that subsection there were inserted “or that corporation”.
  
- 4 Section 175 (effect of Secretary of State’s action in relation to purchase notice) shall have effect as if—
  - (a) in subsection (1)—
    - (i) after “undertakers”, in the first place where it occurs, there were inserted “or an urban development corporation”; and
    - (ii) after that word in the second place where it occurs, there were inserted “or that corporation”; and
  - (b) the following subsection were inserted after that subsection:—
    - “(1A) In subsection (1) of this section “urban development corporation” means urban development corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980”.
  
- 5 Section 201 (order extinguishing right to use vehicles on highway) shall have effect as if in subsection (9)—
  - (a) after “councils” there were inserted “and in an area designated as an urban development area by an order under section 134 of the Local Government, Planning and Land Act 1980, the urban development corporation established for that area by an order under section 135 of that Act,”; and
  - (b) after “that authority” there were inserted “or do not themselves exercise these functions”.
  
- 6 Section 202 (provision of amenity for highway reserved to pedestrians) shall have effect as if in subsection (5)—
  - (a) after “councils” there were inserted “and in an area designated as an urban development area by an order under section 134 of the Local Government, Planning and Land Act 1980, the urban development corporation established for that are by an order under section 135 of that Act,”; and

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- (b) after “the authority” there were inserted “or do not themselves exercise those functions”.
- 7 Section 203 (extinguishment of public rights of way over land held for planning purposes) shall have effect as if—
  - (a) in subsection (1), for “Where” there were substituted “Subject to subsection (1A) of this section, where”; and
  - (b) the following subsection were inserted after that subsection:—

“(1A) Where any land has been acquired by an urban development corporation or has vested in such a corporation and is for the time being held by them for the purpose of regenerating their area—

    - (a) the Secretary of State may by order extinguish any public right of way over the land if he is satisfied that an alternative right of way has been or will be provided or that the provisions of an alternative right of way is not required;
    - (b) subject to section 206 of this Act, the urban development corporation may by order extinguish any such right over the land, being a footpath or bridleway, if they are satisfied as aforesaid.”; and
  - (c) at the end of subsection (2) there were added “and any reference to an urban development corporation is a reference to an urban development corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980.”.
- 8 Section 270 (power to require information as to interests in land) shall have effect as if in subsection (1) after the words “local authority”, there were inserted “or an urban development corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980”.
- 9 Schedule 17 (proceedings on listed building purchase notice) shall have effect as if—
  - (a) in paragraph 1—
    - (i) in sub-paragraph (1)(b), after “undertakers” there were inserted “or an urban development corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980”;
    - (ii) in sub-paragraph (1)(c), after “undertakers” there were inserted “or an urban development corporation”;
    - (iii) in sub-paragraph (2), after “undertakers”, there were inserted “or corporation”;
  - (b) in paragraph 2(7), after “undertakers” there were inserted “or an urban development corporation”; and
  - (c) in paragraph 3(1)—
    - (i) after “undertakers”, in the first place where it occurs, there were inserted “or an urban development corporation”; and
    - (ii) after that word, in the second place where it occurs, there were inserted “or that corporation”.

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VALID FROM 27/05/1997

- F443**<sup>10</sup> Section 29 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 shall have effect as if—
- (a) in subsection (1)(b) and (c), after “undertakers” there were inserted “or an urban development corporation”; and
  - (b) in subsection (3), after “undertakers” there were inserted “or corporation”.

#### Textual Amendments

**F443** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

VALID FROM 27/05/1997

- F444**<sup>11</sup> Section 30 of that Act shall have effect as if—
- (a) in subsection (2)(c), after “undertakers” there were inserted “or an urban development corporation”; and
  - (b) in each of subsections (3), (4) and (5), after “undertakers” there were inserted “or corporation”.

#### Textual Amendments

**F444** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

VALID FROM 27/05/1997

- F445**<sup>12</sup> Section 31(6) of that Act shall have effect as if after “undertakers” there were inserted “or an urban development corporation”.

#### Textual Amendments

**F445** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

VALID FROM 27/05/1997

- F446**<sup>13</sup> Section 32(4) of that Act shall have effect as if after “undertakers” in the first and second places where it occurs there were inserted respectively “or an urban development corporation” and “or that corporation”.

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#### Textual Amendments

**F446** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

VALID FROM 27/05/1997

[<sup>F447</sup>14 Section 81(2) of that Act shall have effect as if “urban development corporation” were inserted in the appropriate place.]

#### Textual Amendments

**F447** Sch. 30 Pt. II paras. 1-14 substituted (27.5.1997) for Sch. 30 Pt. II paras. 1-9 by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 31(12)

## SCHEDULE 31

Section 164.

### URBAN DEVELOPMENT CORPORATIONS: FINANCE ETC.

#### PART I

##### PRELIMINARY

- 1 (1) References in this Schedule to a corporation are to an urban development corporation.
- (2) The financial year of a corporation shall begin with 1 April and references to a financial year in relation to a corporation shall be construed accordingly.

#### PART II

##### FINANCE

##### *Financial duties*

- 2 (1) After consultation with a corporation, the Secretary of State may, with the Treasury’s approval, determine the financial duties of the corporation, and different determinations may be made in relation to different corporations or for different functions and activities of the same corporation.
- (2) The Secretary of State shall give the corporation notice of every determination, and a determination may—
  - (a) relate to a period beginning before the date on which it is made;
  - (b) contain incidental or supplementary provisions;
  - (c) be varied by a subsequent determination.

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### *Government grants*

- 3 (1) The Secretary of State may (out of money provided by Parliament and with the Treasury's consent) pay to a corporation, in respect of the exercise of its functions and in respect of its administrative expenses, such sums as he may (with the Treasury's approval) determine.
- (2) The payment may be made on such terms as the Secretary of State (with the Treasury's approval) provides.

### *Borrowing*

- 4 (1) A corporation may borrow temporarily, by way of overdraft or otherwise, such sums as it may require for meeting its obligations and discharging its functions—
- (a) in sterling from the Secretary of State, or
  - (b) with the consent of the Secretary of State, or in accordance with any general authority given by the Secretary of State, either in sterling or in a currency other than sterling from a person other than the Secretary of State.
- (2) A corporation may borrow otherwise than by way of temporary loan such sums as the corporation may require—
- (a) in sterling from the Secretary of State, or
  - (b) with the consent of the Secretary of State, in a currency other than sterling from a person other than the Secretary of State.
- (3) The Secretary of State may lend to a corporation any sums it has power to borrow from him sub-paragraph (1) or (2) above.
- (4) The Treasury may issue to the Secretary of State out of the National Loans Fund any sums necessary to enable him to make loans under sub-paragraph (3) above.
- (5) Loans made under sub-paragraph (3) above shall be repaid to the Secretary of State at such times and by such methods, and interest on the loans shall be paid to him at such times and at such rates, as he may determine.
- (6) All sums received by the Secretary of State under sub-paragraph (5) above shall be paid into the National Loans Fund.
- (7) References in this paragraph to the Secretary of State are references to him acting with the Treasury's approval.

### *Guarantees*

- 5 (1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of [<sup>F448</sup>the payment of interest on and the discharge of any other financial obligation in connection with] any sums which a corporation borrows from a person or body other than the Secretary of State.
- (2) Immediately after a guarantee is given under this paragraph, the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given, the Treasury shall lay before each House of Parliament a statement relating to that sum, as soon as possible after the end of each financial year, beginning with which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest on it is finally discharged.

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- (3) Any sums required by the Treasury for fulfilling a guarantee under this paragraph shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued in fulfilment of a guarantee given under this paragraph, the corporation shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rates as the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.
- (5) Any sums received by the Treasury in pursuance of sub-paragraph (4) above shall be paid into the Consolidated Fund.

#### Textual Amendments

**F448** Words substituted by virtue of [Miscellaneous Financial Provisions Act 1983 \(c. 29, SIF 99:1\)](#), s. 4(1), [Sch. 2](#)

#### *Assumed debt*

- 6 (1) On any acquisition to which this paragraph applies, a corporation shall assume a debt to the Secretary of State of such amount as may be notified to the corporation in writing by him, with the Treasury's approval.
- (2) This paragraph applies to any acquisition by the corporation of property held—
  - (a) by or on behalf of the Crown, or
  - (b) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company.
- (3) Subject to sub-paragraph (4) below, the amount to be notified is the aggregate of the following:—
  - (a) the consideration given when the property was first brought into public ownership, and
  - (b) the costs and expenses of and incidental to its being brought into public ownership.
- (4) If it appears to the Secretary of State that there has been such a change in circumstances since the property was first brought into public ownership that its true value would not be reflected by reference to the consideration mentioned in sub-paragraph (3) above, the Secretary of State, with the Treasury's approval, shall determine the amount to be notified.
- (5) The rate of interest payable on the debt assumed by a corporation under this paragraph, and the date from which interest is to begin to accrue, the arrangements for paying off the principal, and the other terms of the debt shall be such as the Secretary of State, with the Treasury's approval, may from time to time determine.
- (6) Different rates and dates may be determined under sub-paragraph (5) above with respect to different portions of the debt.
- (7) Any sums received by the Secretary of State under sub-paragraph (5) above shall be paid into the National Loans Fund.

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### *Surplus funds*

- 7 (1) Where it appears to the Secretary of State, after consultation with the Treasury and the corporation, that a corporation has a surplus, whether on capital or on revenue account, after making allowance by way of transfer to reserve or otherwise for its future requirements, the corporation shall, if the Secretary of State with the approval of the Treasury and after consultation with the corporation so directs, pay to the Secretary of State such sum not exceeding the amount of that surplus as may be specified in the direction.
- (2) Any sum received by the Secretary of State under this paragraph shall, subject to sub-paragraph (4) below, be paid into the Consolidated Fund.
- (3) The whole or part of any payment made to the Secretary of State by a corporation under sub-paragraph (1) above shall, if the Secretary of State with the Treasury's approval so determines, be treated as made by way of repayment of such part of the principal of loans under paragraph 4(3) above, and as made in respect of the repayments due at such times, as may be so determined.
- (4) Any sum treated under sub-paragraph (3) above as a repayment of a loan shall be paid by the Secretary of State into the National Loans Fund.

### *Financial limits*

- [<sup>F449</sup>8 (1) The aggregate amount of the sums mentioned in sub-paragraph (2) below shall not exceed £30 million or such greater sum not exceeding £100 million as the Secretary of State may by order made by statutory instrument specify.
- (2) The sums are—
- (a) sums borrowed by all corporations under paragraph 4 above minus repayments made in respect of those sums; and
  - (b) sums issued by the Treasury in fulfilment of guarantees under paragraph 5 above of debts of all corporations.
- (3) No order under sub-paragraph (1) above shall have effect until approved by a resolution of the House of Commons.]

#### **Textual Amendments**

**F449** Para. 8 substituted by [Urban Development Corporations \(Financial Limits\) Act 1987 \(c. 57, SIF 123:1, 2\), s. 1\(1\)](#)

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

**C179** [Sch. 31 para. 8](#): transfer of certain functions (1.7.1999) by [S.I. 1999/672, art. 5, Sch. 2](#)

### *Grants and loans: accounts*

- 9 (1) The Secretary of State shall prepare in respect of each financial year an account—
- (a) of the sums paid to corporations under paragraph 3 above,
  - (b) of the sums issued to him under paragraph 4(4) above and the sums received by him under paragraph 4(5) above and the disposal by him of those sums, and

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- (c) of the sums paid into the Consolidated Fund or National Loans Fund under paragraph 7 above.
- (2) The Secretary of State shall send the account to the Comptroller and Auditor General before the end of the month of November next following the end of that year.
- (3) The Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it and of his report before each House of Parliament.
- (4) The form of the account and the manner of preparing it shall be such as the Treasury may direct.

### PART III

#### GENERAL ACCOUNTS ETC.

##### *Accounts*

10

—

- (1) A corporation shall keep proper accounts and other records in relation to them.
- (2) The accounts and records shall show, in respect of the financial year to which they relate, a true and fair view of the corporation's activities.
- (3) A corporation shall prepare in respect of each financial year a statement of accounts complying with any requirement which the Secretary of State has (with the Treasury's consent) notified in writing to the corporation relating to—
  - (a) the information to be contained in the statement;
  - (b) the manner in which the information is to be presented; and
  - (c) the methods and principles according to which the statement is to be prepared.
- (4) Subject to any requirement notified to be corporation under sub-paragraph (3) above, in preparing any statement of accounts in accordance with that sub-paragraph the corporation shall follow, with respect to each of the matters specified in paragraphs (a) to (c) of that sub-paragraph, such course as may for the time being be approved by the Secretary of State with the Treasury's consent.

##### *Audit*

- 11 (1) The corporation's accounts and statements of accounts shall be audited by an auditor to be appointed annually by the Secretary of State in relation to the corporation.
- [<sup>F450</sup>(2) A person shall not be appointed under sub-paragraph (1) unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989.]
- (3) A person shall not be qualified for appointment under sub-paragraph (1) above if the person is—
  - (a) a member, officer or servant of the corporation, [<sup>F451</sup>; or]
  - (b) a partner of, or employed by, a member, officer or servant of the corporation, or
  - [<sup>F452</sup>(c) a body corporate of which a member, officer or servant of the corporation is a director or officer.]



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### Textual Amendments

**F450** Sch. 31, para. 11(2) substituted (1.10.1991) by S.I. 1991/1997, reg. 2, **Sch. para. 37(a)** (with reg. 4)

**F451** Word in Sch. 31, para. 11(3)(a) added (1.10.1991) by S.I. 1991/1997, reg. 2, **Sch. para. 37(b)(i)** (with reg. 4)

**F452** Sch. 31, para. 11(3)(c) substituted (1.10.1991) by S.I. 1991/1997, reg. 2, **Sch. para. 37(b)(ii)** (with reg. 4)

### Transmission to Secretary of State

- 12 As soon as the accounts and statement of accounts of the corporation for any financial year have been audited, the corporation shall send to the Secretary of State a copy of the statement, together with a copy of any report made by the auditor on the statement or on the accounts.

### Reports

- 13 (1) As soon as possible after the end of each financial year, a corporation shall make to the Secretary of State a report dealing generally with the corporation's operations during the year, and shall include in the report a copy of its audited statement of accounts of that year.
- (2) Without prejudice to the generality of sub-paragraph (1) above, a report under this paragraph shall deal with the operation during the year of the corporation's arrangements for consultation about the exercise of its powers with local authorities the whole or any part of whose area is included in the urban development area.
- (3) The Secretary of State shall lay a copy of the report before each House of Parliament.

### Information

- 14 Without prejudice to paragraph 13 above, a corporation shall provide the Secretary of State with such information relating to its undertaking as he may require, and for that purpose shall permit any person authorised by the Secretary of State to inspect and make copies of the accounts, books, documents or papers of the corporation and shall afford such explanation of them as that person or the Secretary of State may reasonably require.

## SCHEDULE 32

Section 179.

## ENTERPRISE ZONES

### PART I

#### DESIGNATION OF ZONES

#### Invitation to prepare scheme

- 1 (1) The bodies which may be invited to prepare a scheme under this Schedule are, in relation to England and Wales:—

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- (a) a district council;
  - [<sup>F453</sup>(aa) the council of a Welsh county or county borough;]
  - (b) a London borough council;
  - (c) a new town corporation;
  - (d) an urban development corporation.
- (2) The bodies which may be invited to prepare a scheme under this Schedule are, in relation to Scotland:—
- (a) a district or general planning authority within the meaning of section 172(4) of the 1973 Act;
  - (b) a new town corporation;
  - (c) an urban development corporation.
- (3) The Secretary of State may invite any of the bodies to prepare a scheme relating to the development of an area falling within the district [<sup>F454</sup>county, county borough], borough, district or general planning authority area, new town area or urban development area (as the case may be) and send the scheme to him in accordance with this Schedule.
- (4) The invitation shall be made with a view to the designation as an enterprise zone of the area for which the scheme may be prepared.
- (5) The invitation—
- (a) shall specify the area for which the scheme may be prepared;
  - (b) may contain directions as to the drawing up of the scheme (in particular, as to its form or content or any consultations to be made).
- (6) The invitation may specify an area in which publicity is to be given under paragraph 2(2)(b) below.
- (7) In this paragraph—
- “new town area” means an area designated as the site of a new town by an order under section 1 of the [<sup>F455M228</sup>New Towns Act 1981] or section 1 of the <sup>M229</sup>New Towns (Scotland) Act 1968;
  - “new town corporation” means a development corporation established under either of those Acts;
  - “urban development area” means an area designated as such under this Act;
  - “urban development corporation” means a corporation established as such under this Act.

#### Textual Amendments

**F453** Sch. 32 para. 1(1)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 59(9)(a)** (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F454** Words in Sch. 32 para. 1(3) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 59(9)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F455** Words substituted by **New Towns Act 1981** (c. 64, SIF 123:3), s. 81, **Sch. 12 para. 28(e)**

#### Marginal Citations

**M228** 1981 c. 64 (123:3).

**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

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**M229 1968 c. 16 (123:4).**

- 2 (1) A body which receives an invitation may prepare a scheme in draft in accordance with the terms of the invitation.
- (2) If it prepares a scheme under sub-paragraph (1) above, it shall take such steps as will in its opinion secure—
  - (a) that—
    - (i) if the area for which the scheme is to be prepared is within Greater London, adequate publicity is given to its provisions in Greater London;
    - (ii) if the area for which the scheme is to be prepared is in England<sup>F456</sup> ... but outside Greater London, adequate publicity is given to its provisions in the county in which the area is situated;
    - [<sup>F457</sup>(ia) if the area for which the scheme is to be prepared is in Wales, adequate publicity is given to its provisions in the county or county borough in which the area is situated;] and
    - (iii) if the area for which the scheme is to be prepared is in Scotland, adequate publicity is given to its provisions in the region in which the area is situated; and
  - (b) that adequate publicity is also given to the provisions of the scheme in any area specified under paragraph 1(6) above;
  - (c) that persons who may be expected to want to make representations to the body with respect to the provisions are made aware that they are entitled to do so; and
  - (d) that such persons are given an adequate opportunity of making such representations within a period specified by the body (the specified period).
- (3) The body shall consider any representation—
  - (a) which is made to it within the specified period, and
  - (b) which is made on the ground that all or part of the development specified in the scheme should not be granted planning permission in accordance with the terms of the scheme.

#### Textual Amendments

**F456** Words in Sch. 32 para. 2(2)(a)(ii) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 59(9)(c), Sch. 18 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

**F457** Sch. 32 para. 2(2)(a)(ia) inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 59(9)(c) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

#### Adoption of scheme

- 3 (1) After the expiry of the specified period or, if any representations falling within paragraph 2(3) above have been made, after considering them, the body may adopt the scheme by resolution.
- (2) The scheme adopted may be the scheme prepared in draft or, subject to sub-paragraph (3) below, that scheme as modified to take account of any such representation or any matter arising out of the representation.

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- (3) A scheme may not be modified in any way inconsistent with the Secretary of State's invitation under paragraph 1 above.
- (4) As soon as practicable after adopting a scheme under this Schedule, the body shall—
  - (a) send a copy of the scheme to the Secretary of State,
  - (b) deposit a copy of the scheme at its principal office, and
  - (c) publish an advertisement in accordance with sub-paragraphs (7) and (8) below.
- (5) Any member of the public may inspect the copy so deposited, and make copies of or extracts from it, at any reasonable time without payment.
- (6) The body shall make available copies of the scheme, at a reasonable cost, to any member of the public.
- (7) The advertisement shall contain—
  - (a) a statement that the scheme has been adopted;
  - (b) a statement that a copy of the scheme can be inspected without payment;
  - (c) a statement of the address where and times when it can be inspected; and
  - (d) a statement that, if the Secretary of State makes an order designating the area to which the scheme relates as an enterprise zone, the order will have effect to grant planning permission in accordance with the scheme.
- (8) The advertisement shall be published—
  - (a) in the London Gazette or, if the scheme relates to an area in Scotland, the Edinburgh Gazette; and
  - (b) on at least two occasions, in a newspaper circulating in the area to which the scheme relates.

#### *Questioning scheme's validity*

- 4 (1) If a person is aggrieved by a scheme adopted by a body under this Schedule and he wishes to question its validity on the ground that it is not within the powers conferred by this Schedule, or that any requirement of this Schedule has not been complied with, he may within the period of six weeks commencing with the first publication (whether in the London or Edinburgh Gazette or otherwise) under paragraph 3(8) above make an application under this paragraph to the High Court or, if the scheme relates to an area in Scotland, the Court of Session.
- (2) On such an application the High Court or the Court of Session, if satisfied—
  - (a) that the scheme is wholly or to any extent outside the powers conferred by this Schedule, or
  - (b) that the interests of the applicant would be substantially prejudiced by the failure to comply with any requirement of this Schedule if an order were made under this Schedule designating the area to which the scheme relates as an enterprise zone,
 may order that the Secretary of State shall not make an order under this Schedule designating the area as an enterprise zone in pursuance of the scheme, but (in a case where sub-paragraph (b) above applies) may further order that, if steps are taken to comply with the requirement concerned, an order may be made designating the area.

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- (3) No order made by the Court under sub-paragraph (2) above prejudices the making of an order under this Schedule designating the area as an enterprise zone in pursuance of another scheme (so long as this Schedule is complied with).
- (4) Except as provided by this paragraph, the validity of a scheme adopted under this Schedule shall not be questioned in any legal proceedings whatsoever.

### *Designation of enterprise zone*

- 5 (1) If a body adopts a scheme under this Schedule, the Secretary of State may (if he thinks it expedient to do so) by order designate the area to which scheme relates as an enterprise zone.
- (2) No order may be made until—
  - (a) the expiry of the period of six weeks commencing with the first publication (whether in the London or Edinburgh Gazette or otherwise) under paragraph 3(8) above, or
  - (b) if an application in relation to the scheme is made under paragraph 4(1) above, the time at which any proceedings arising out of the application are disposed of,
 whichever is the later.
- (3) The power to make the order shall be exercisable—
  - (a) by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, and
  - (b) only with the Treasury's consent.
- (4) The order shall—
  - (a) specify the date of the designation taking effect (the effective date);
  - (b) specify the period for which the area is to remain an enterprise zone;
  - (c) define the boundaries of the zone by means of a plan or map;
  - (d) designate as the enterprise zone authority the body which was invited to prepare the scheme.
- (5) The power to amend orders conferred by section 14 of the <sup>M230</sup>Interpretation Act 1978 does not include power to amend an order made under this paragraph.
- (6) The power to revoke orders conferred by that section does not include power to revoke an order made under this paragraph before the expiry of the period mentioned in sub-paragraph (4)(b) above.
- (7)
- <sup>F458</sup>(8) In relation to Scotland, the order may provide that the enterprise zone authority shall be the planning authority exercising the district planning functions (within the meaning of section 172 of the 1973 Act) for the zone for such purposes of the 1972 Act, and in relation to such kinds of development, as may be prescribed in the order.
- (9) In the following provisions of this Schedule references to a scheme are, in relation to an area designated as an enterprise zone under this paragraph, to the scheme adopted for the area under paragraph 3(1) above.

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### Textual Amendments

**F458** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)

### Modifications etc. (not altering text)

**C180** Sch. 32 para. 5 amended (E.W.) by the [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\), s. 6\(1\)](#)

### Marginal Citations

**M230** 1978 c. 30 (115:1).

### *Publicity of designation*

- 6 (1) As soon as practicable after the making of an order under paragraph 5 above, the body which adopted the scheme shall publish an advertisement in accordance with sub-paragraphs (2) and (3) below.
- (2) The advertisement shall contain—
- (a) a statement that the order has been made and will have effect to make the area an enterprise zone; and
  - (b) a statement that a copy of the scheme can be inspected without payment and a statement of the address where and times when it can be inspected.
- (3) The advertisement shall be published—
- (a) in the London Gazette, or, if the scheme relates to an area in Scotland, the Edinburgh Gazette; and
  - (b) on at least two occasions, in a newspaper circulating in the area to which the scheme relates.

### *Right of entry*

- 7 (1) Any person duly authorised in writing by a body which has been invited to prepare a scheme under this Schedule may at any reasonable time enter any land in the area to which the scheme relates (or could relate) for the purpose of surveying the land in connection with the preparation or adoption of a scheme under this Schedule.
- (2) In relation to England and Wales, [<sup>F459</sup>subsection (8) of section 324 and section 325 of the 1990 Act] (giving of notice, compensation for damage, etc.) shall apply in relation to sub-paragraph (1) above as they apply in relation [<sup>F459</sup>to section 324].
- (3) In relation to Scotland, subsection (8) of section 265 and subsections (1) to (6) of section 266 of the 1972 Act (giving of notice, compensation for damage, etc.) shall apply in relation to sub-paragraph (1) above as they apply in relation to section 265.

### Textual Amendments

**F459** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(14\)\(a\)](#)

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### *Acts referred to in Part I*

- 8 In this Part of this Schedule—
- “<sup>F460</sup>1990] Act” means the Town and Country Planning Act [<sup>F460</sup>1990]
- “1972 Act” means the <sup>M231</sup>Town and Country Planning (Scotland) Act 1972;
- “1973 Act” means the <sup>M232</sup>Local Government (Scotland) Act 1973.

#### **Textual Amendments**

**F460** Word substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(14\)\(b\)](#)

#### **Marginal Citations**

**M231** [1972 c. 52 \(123:2\)](#).

**M232** [1973 c. 65 \(81:2\)](#).

## **PART II**

### **MODIFICATION OF SCHEME, ETC.**

#### *Modification of scheme*

- 9 (1) Where an order has been made under paragraph 5 above, the Secretary of State may invite the enterprise zone authority to prepare modifications to the scheme.
- (2) The invitation may contain directions as to the drawing up of the modifications (in particular, as to their form or content or any consultations to be made).
- 10 (1) The enterprise zone authority may prepare modifications to a scheme in draft in accordance with the terms of the invitation.
- (2) Paragraphs 2(2) and (3), 3 and 4 above shall apply in relation to modifications to a scheme as they apply in relation to a scheme.
- 11 (1) If an enterprise zone authority adopts modifications to a scheme, the Secretary of State may (if he thinks it expedient to do so) notify the authority of his approval of them.
- (2) No such notification may be given until—
- the expiry of the period of six weeks commencing with the first publication (whether in the London or Edinburgh Gazette or otherwise) under paragraph 3(8) above (as applied by paragraph 10 above); or
  - if an application in relation to the scheme is made under paragraph 4(1) above (as so applied), the time at which any proceedings arising out of the application are disposed of,
- whichever is the later.
- (3) The notification shall specify the date of the modifications taking effect (the effective date of modification).

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- 12 (1) As soon as practicable after the date of the notification, the enterprise zone authority shall publish an advertisement in accordance with sub-paragraphs (2) and (3) below.
- (2) The advertisement shall contain—
- (a) a statement that the Secretary of State has notified the authority of his approval of the modifications; and
  - (b) a statement that a copy of the modifications can be inspected without payment; and
  - (c) a statement of the address where and times when they can be inspected.
- (3) The advertisement shall be published—
- (a) in the London Gazette or, if the scheme relates to an enterprise zone in Scotland, the Edinburgh Gazette; and
  - (b) on at least two occasions, in a newspaper circulating in the enterprise zone.
- 13 The power to modify a scheme under the preceding provisions of this Part of this Schedule includes power wholly to replace a scheme.
- 14 In the following provisions of this Schedule references to a modified scheme are references to a scheme modified under this Part of this Schedule.

#### *Modification of orders by Secretary of State*

- 15 (1) Subject to sub-paragraph (3) below, the Secretary of State may (if he thinks it expedient to do so) by order modify any order made under paragraph 5 above.
- (2) Without prejudice to the generality of sub-paragraph (1) above, an order under this paragraph—
- (a) may extend the period for which the zone is to remain an enterprise zone; and
  - (b) may provide—
    - (i)
    - <sup>F461</sup>(ii) if the enterprise zone is in Scotland, that the enterprise zone authority shall be the planning authority exercising district planning functions (within the meaning of section 172 of the 1973 Act) for the zone for different purposes of the 1972 Act, or in relation to different kinds of development.
- (3) The power conferred by sub-paragraph (1) above does not include—
- (a) power to alter the boundaries of an enterprise zone;
  - (b) power to designate a different enterprise zone authority for the zone; or
  - (c) power to reduce the period for which the zone is to remain an enterprise zone.
- (4) The power to make an order under this paragraph shall be exercisable—
- (a) by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, and
  - (b) only with Treasury's consent.
- (5) The power to amend orders conferred by section 14 of the <sup>M233</sup>Interpretation Act 1978 does not include power to amend an order made under this paragraph.



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- (6) The power to revoke orders conferred by that section does not include power to revoke any order made under this paragraph which extends the period for which a zone is to remain an enterprise zone before the expiry of the extended period.

#### Textual Amendments

**F461** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. I](#)

#### Marginal Citations

**M233** 1978 c. 30.

### *Change of enterprise zone authority*

- 16 (1) This paragraph applies where—
- (a) the body designated as an enterprise zone authority is a new town corporation or an urban development corporation; and
  - (b) the Secretary of State intends to make an order dissolving that body under section 41 of the <sup>M234</sup>New Towns Order 1965 (or section 36 of the <sup>M235</sup>New Towns (Scotland) Act 1968 or under section 166 above.
- (2) Where this paragraph applies, the Secretary of State may by order made by statutory instrument designate as the enterprise zone authority for the zone any body which he could have invited to prepare a scheme for the area comprised in the zone under paragraph 1 above.
- (3) An order under this paragraph shall specify the date on which the body is to become the enterprise zone authority.

#### Marginal Citations

**M234** 1965 c. 59.

**M235** 1968 c. 16 (123:4).

## PART III

### PLANNING

#### *General*

- 17 (1) An order designating an enterprise zone [<sup>F462</sup>in Scotland] under this Schedule shall (without more) have effect on the effective date to grant planning permission for development specified in the scheme or for development of any class so specified.
- (2) The approval of a modified scheme [<sup>F463</sup>as respects land in Scotland] under paragraph 11 above shall (without more) have effect on the effective date of modification to grant planning permission for development specified in the modified scheme [<sup>F463</sup>as respects land in Scotland] or for development of any class so specified.

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- (3) Planning permission so granted shall be subject to such conditions or limitations as may be specified in the scheme or modified scheme or (if none are specified) unconditional.
- (4) Subject to sub-paragraph (5) below, where planning permission is so granted for any development or class of development, the enterprise zone authority may direct that the permission shall not apply in relation—
  - (a) to a specified development; or
  - (b) to a specified class of development; or
  - (c) to a specified class of development in a specified area within the enterprise zone.
- (5) An enterprise zone authority shall not give a direction under sub-paragraph (4) above unless they have submitted it to the Secretary of State and he has notified them that he approves of their giving it.
- (6) If the scheme or the modified scheme specifies matter, in relation to any development it permits, which will require approval by the enterprise zone authority, the permission shall have effect accordingly.
- (7) Notwithstanding sub-paragraphs (1) to (6) above, planning permission may be granted under <sup>F464</sup> the 1972 Act in relation to land in an enterprise zone (whether the permission is granted in pursuance of an application made under <sup>F464</sup> Part III of the 1972 Act or by a development order).
- (8) Nothing in this Part of this Schedule prejudices the right of any person to carry out development apart from this Part.

#### Textual Amendments

- F462** Words inserted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(14\)\(c\)\(i\)](#)
- F463** Words inserted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 44\(14\)\(c\)\(ii\)](#)
- F464** Words repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)

#### Amendments of 1971 Act

<sup>F465</sup>18 .....

#### Textual Amendments

- F465** [Sch. 14, Sch. 15 paras. 2–15, 17–20, 22, 25–28, Sch. 23 paras. 8–11, Sch. 32 para. 18](#) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)

#### Amendments of 1972 Act

19 (1) This paragraph amends the 1972 Act in consequence of paragraph 17 above.

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- (2) In section 38(3) (exceptions to provisions about limit of duration of planning permission) insert after paragraph (a)—
 

“(aa) to any planning permission granted by an enterprise zone scheme;”.
- (3) In section 51(1) (applications to determine whether planning permission required) after “development of land” insert—
 

“and, if so, whether an application for planning permission in respect thereof is required under this Part of this Act, having regard to the provisions of the development order and of any enterprise zone scheme”.
- (4) In section 198(1) (stopping up or diversion of highway) insert after “Part III of this Act” the words “or by virtue of Schedule 32 to the Local Government, Planning and Land Act 1980”.
- (5) In section 275(1) (interpretation) insert at the appropriate place in alphabetical order—
 

““enterprise zone scheme” means a scheme or modified scheme having effect to grant planning permission by virtue of Schedule 32 to the Local Government, Planning and Land Act 1980;”.

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

**C181** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### *Enterprise zone authority as planning authority*

20 (1)

- <sup>F466</sup>(2) Where under paragraph 5(8) above an order designating an enterprise zone provides that the enterprise zone authority shall be the planning authority exercising district planning functions for the zone, then, while the zone subsists, the enterprise zone authority shall be, to the extent mentioned in the order and to the extent that it is not already, the planning authority for the zone in place of any authority which would otherwise be the planning authority for the zone.

#### Textual Amendments

**F466** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. I](#)

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### *Effect on planning permission of modification or termination of scheme*

- [<sup>F467</sup>21 Modifications to a scheme do not affect planning permission under the scheme in any case where the development authorised by it has been begun before the modifications take effect.]

#### **Textual Amendments**

**F467** Paras. 21, 22 substituted by [Housing and Planning Act 1986 \(c. 63, SIF 123:1, 2\), s. 54\(1\)](#)

- 22 (1) Upon an area ceasing to be an enterprise zone planning permission under the scheme shall cease to have effect except in a case where the development authorised by it has been begun.
- (2) The following provisions (which provide for the termination of planning permission if the completion of development is unreasonably delayed) apply to planning permission under the scheme where development has been begun but not completed by the time the area ceases to be an enterprise zone—
- (a)
- <sup>F468</sup>(b) in Scotland, subsection (2) to (6) of section 41 of the 1972 Act.

#### **Textual Amendments**

**F468** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)

### *Structure and local plans*

23<sup>F469</sup>

#### **Textual Amendments**

**F469** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I](#)

### *Structure and local plans*

- 24 (1) As soon as practicable after an order has been made under paragraph 5 above or a notification has been made under paragraph 11 above—
- (a) any planning authority exercising regional planning functions for an area in which the enterprise zone is wholly or partly situated shall review any structure plan for their area or for part of it which relates to the whole or part of the zone in the light of the provisions of the scheme or modified scheme; and
- (b) any planning authority exercising district planning functions in an area in which the enterprise zone is wholly or partly situated shall review any local plan prepared by it which relates to any land situated in the zone.

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- (2) A planning authority exercising regional planning functions shall submit to the Secretary of State proposals for any alterations to a structure plan which they consider necessary to take account of the scheme or the modified scheme.
- (3) A planning authority exercising district planning functions shall make proposals for any alterations to such a local plan as is mentioned in sub-paragraph (1)(b) above which they consider necessary to take account of the scheme or modified scheme, or for the repeal or replacement of any of those plans whose repeal or replacement they consider necessary for that purpose.
- (4) In this paragraph “regional planning functions” and “district planning functions” have the meanings assigned to them by section 172 of the <sup>M236</sup>Local Government (Scotland) Act 1973.
- (5) This paragraph shall apply only to Scotland.

#### Marginal Citations

**M236** 1973 c. 65 (81:2).

### Regulations

- 25 (1) The Secretary of State may by regulations made by statutory instrument—
  - (a) make provision as to the procedure for giving a direction under paragraph 17(4) above;
  - (b) make provision as to the method and procedure relating to the approval of matters specified in a scheme or modified scheme as mentioned in paragraph 17(6) above;
  - (c) make transitional and supplementary provision in relation to any provision mentioned in paragraph 20 above of an order designating an enterprise zone.
- (2) Regulations under sub-paragraph (1) above may modify any planning enactment or may apply any planning enactment (with or without modification) in making any provision mentioned in that sub-paragraph.

### Interpretation

- 26 (1) In this part of this Schedule—
 

“planning enactment” means any provision of [<sup>F470</sup>the 1990 Act, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990] or of the 1972 Act or of any instrument made under either of them;

[<sup>F471</sup>“the 1990 Act” means the Town and Country Planning Act 1990]

“the 1972 Act” means the <sup>M237</sup>Town and Country Planning (Scotland) Act 1972.
- [<sup>F472</sup>(1A) The following provisions apply in determining for the purposes of this Schedule when development shall be taken to be begun—

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- (a)
- <sup>F473</sup>(b) in Scotland, subsections (1) to (3) of section 40 of the 1972 Act.]
- (2) Any expression used in this Part of this Schedule and to which a meaning is assigned—
- (a) in relation to England and Wales, by the [<sup>F474</sup>1990] Act; or
- (b) in relation to Scotland, by the 1972 Act,
- has, in relation to England and Wales or, as the case may be, in relation to Scotland, the meaning so assigned to it.

#### Textual Amendments

- F470** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(14)(d)(i)**
- F471** Definition substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(14)(d)(ii)**
- F472** Para. 26(1A) inserted by Housing and Planning Act 1986 (c. 63, SIF 123:1, 2), s. 54(2)
- F473** Sch. 15 para. 23, Sch. 32 paras. 5(7), 15(2)(b)(i), 20(1), 22(2)(a), 23, 26(1A)(a) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**
- F474** Figure substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(14)(d)(iii)**

#### Marginal Citations

- M237** 1972 c. 52 (123:2).

### <sup>F475</sup>PART IV

.....

#### Textual Amendments

- F475** Sch. 32 Pt. IV (paras. 27–32) repealed by S.I. 1990/776, art. 3, **Sch. 1**

### PART V

#### RATES—SCOTLAND

##### *No rates on certain lands and heritages*

- 33 (1) No person shall be liable to pay rates in respect of exempt lands and heritages as regards any period during which the area in which the lands and heritages are situated is designated as an enterprise zone.
- [<sup>F476</sup>Provided that where the lands and heritages are situated only partially within any one enterprise zone their value shall, for the purpose of determining what rates (if any) are payable in respect of the lands and heritages, be apportioned between so much of them as lies within, and so much of them as lies outwith, that zone as if—

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- (i) the apportionment were by reason of their extending into two or more rating areas; and
  - (ii) the boundary of the enterprise zone were the boundary of such an area.]
- (2) Lands and heritages are exempt lands and heritages for the purpose of this paragraph unless—
- <sup>F477</sup>(a) . . . . .
  - <sup>F478</sup>(b) the rateable values of the lands and heritages are prescribed under or determined by virtue of an order under section 6 of the Local Government (Scotland) Act 1975 (valuation by formula of certain lands and heritages),]
  - (c) they are occupied by a public utility undertaking and the value of such lands and heritages falls to be ascertained by reference to the profits of the undertaking carried on therein.
- <sup>F479</sup>(3) . . . . .
- (4) In this paragraph—
- <sup>F480</sup> . . .
  - <sup>F481</sup> . . .
  - <sup>F482</sup> . . . [<sup>F483</sup>, and “rating area” means the area of a rating authority.]

#### Textual Amendments

- F476** Proviso added by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), s. 66(1), **Sch. 3**, para. 42(a)
- F477** Sch. 32 para. 33(2)(a) repealed (1.4.1995) by 1994 c. 39, ss. 159(2)(a), 180(2), **Sch. 14**; S.I. 1994/3150, art. 4(a), **Sch. 1**
- F478** Sch. 32 para. 33(2)(b) substituted (1.4.1995) by 1994 c. 39, s. 159(2)(b); S.I. 1994/3150, art. 4(a), **Sch. 1**
- F479** Sch. 32 para. 33(3) repealed (1.4.1995) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1994/3150, art. 4(a), **Sch. 1**
- F480** Sch. 32 para. 33(4): definition of  
“private garage”  
repealed (1.4.1995) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1994/3150, art. 4(a), **Sch. 1**
- F481** Sch. 32 para. 33(4): definition of  
“private storage premises”  
repealed (1.4.1995) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1994/3150, art. 4(a), **Sch. 1**
- F482** Sch. 32 para. 33(4): definition of  
“rates”  
repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**
- F483** Words added by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), s. 66(1), **Sch. 3** para. 42(b)

#### Grants to Compensate Rating Authorities for Loss of Revenue

- 34 (1) [<sup>F484</sup>For the financial year 1995-96,]The Secretary of State shall make grants to rating authorities who lose revenue [<sup>F484</sup>in respect of the non-domestic sewerage rate] from exempt lands and heritages in consequence of the provisions of this Part of this Schedule.
- (2) Such grants shall be paid out of money provided by Parliament.



**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

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- (3) Such grants shall be paid at such times as the Secretary of State may, with consent of the Treasury, determine.
- (4) A grant to a rating authority under this paragraph shall be of such an amount as will fully compensate the authority for the lost revenue mentioned in sub-paragraph (1) above.

#### Textual Amendments

**F484** Words in [Sch. 32 para. 34\(1\)](#) inserted (1.4.1995) by [1994 c. 39, s. 159\(3\)](#); S.I. 1994/3150, art. 4(a), [Sch. 1](#)

#### Supplementary

- 35 This Part of this Schedule applies only to Scotland.

### SCHEDULE 33

Section 193.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Commissioners of Works Act 1894 (c. 23)*

- 1 (1) Section 1 of the Commissioners of Works Act 1894 shall continue to be amended as mentioned in this paragraph, notwithstanding the repeal by this Act of paragraph 2 of Schedule 10 to the <sup>M238</sup>Community Land Act 1975.

- (2) For subsection (1) of section 1 of the said Act of 1894 (which applies the Land Clauses Acts to acquisitions under the <sup>M239</sup>Commissioners of Works Act 1852), there shall in relation to England and Wales by substituted the following subsection—

“(1) For the purpose of purchase of land by the Secretary of State under the Commissioners of Works Act 1852, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than section 31, shall apply.

In the said Part I as so applied the word “land” means (except where the context otherwise requires) any corporeal hereditament, including a building, in relation to the acquisition of land under the said Act of 1852, includes any interest in or right over land.”.

- (3) For subsection (1) of section 1 of the said Act of 1894 there shall in relation to Scotland by substituted the following subsection—

“(1) For the purpose of the purchase of land by the Secretary of State under the Commissioners of Works Act 1852, the Lands Clauses Acts (except so much thereof as relates to the acquisition of land otherwise than by agreement, and the provisions relating to access to the special Act, and except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845), and sections 6 and 70 of the Railway Clauses Consolidation (Scotland) Act 1845 and sections 71 to 78 of that Act (as originally enacted and not as amended by section 15 of the Mines (Working Facilities and Support) Act 1923) are hereby incorporated with the said Act of 1852, and, in construing those Acts



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for the purposes of the said Act of 1852, that Act shall be deemed to be the special Act and the Secretary of State shall be deemed to be the promoter of the undertaking or company, as the case may require.

In relation to the acquisition of land under the said Act of 1852, “land” includes any interest in or right over land.”.

- (4) This paragraph shall have effect only in relation to agreements entered into after 12 December 1975.

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

**C182** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M238** 1975 c. 77.

**M239** 1852 c. 28.

#### *Agricultural Land (Utilisation) Act 1931 (c. 41)*

- 2 The following subsections shall be added after section 12(1) of the Agricultural Land (Utilisation) Act 1931 (power of county councils to provide cottage holdings)

“(1A) If the tenant of a cottage holding feels aggrieved by a prohibition such as is mentioned in the proviso to section 47(1) of the Small Holdings and Allotments Act 1908 (prohibition of improvements), he may appeal to the Minister of Agriculture, Fisheries and Food, who may confirm, vary or annul the prohibition, and the decision of the Minister shall be final.”.

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

**C183** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### *Lands Tribunal Act 1949 (c. 42)*

- 3 (1) Section 3 of the Lands Tribunal Act 1949 shall continue to be amended as mentioned in this paragraph, notwithstanding the repeal by this Act of paragraph 3 of Schedule 10 to the <sup>M240</sup>Community Land Act 1975.

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- (2) In section 3 of the Lands Tribunal Act 1949 (rules regulating proceedings before the Land Tribunal) after subsection (6) there shall be inserted the following subsections—

“(6A) It is hereby declared that this section authorises the making of rules which allow the Tribunal to determine cases without an oral hearing.

(6B) The rules shall require that the determination without an oral hearing of any disputed claim for compensation which—

- (a) is payable in respect of a compulsory acquisition of land, or
- (b) depends directly or indirectly on the value of any land,

shall require the consent of the person making the claim.

(6C) Where the Tribunal determine a case without an oral hearing, subsection (3) of this section shall apply subject to such modifications as may be prescribed by the rules.”

- (3) In sections 3(6)(b) of the <sup>M241</sup>Lands Tribunal Act 1949 (provision for the Tribunal to sit with assessors) for “sit with” there shall be substituted “ be assisted by ”.

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

**C184** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M240** 1975 c. 77.

**M241** 1949 c. 42.

*Landlord and Tenant Act 1954 (c. 56)*

- 4 (1) In subsection (2) of section 37 of the Landlord and Tenant Act 1954 (compensation where order for new tenancy precluded on certain grounds) the words “ the product of the appropriate multiplier and ” shall be inserted after the word “be” in paragraphs (a) and (b).

- (2) The following subsections shall be added after subsection (7) of that section :—

“(8) In subsection (2) of this section “the appropriate multiplier” means such multiplier as the Secretary of State may by order made by statutory instrument prescribe.

(9) A statutory instrument containing an order under subsection (8) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

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

**C185** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Land Compensation Act 1961 (c. 33)

- 5 (1) Sections 2(2), 15(5) and 19(3) of the <sup>M242</sup>Land Compensation Act 1961 shall continue to be amended as mentioned in this paragraph notwithstanding the repeal by this Act of paragraph 4(1) to (3) and (5) of Schedule 10 to the <sup>M243</sup>Community Land Act 1975.
- (2) At the end of section 2(2) of the Land Compensation Act 1961 (tribunal to sit in public) there shall be added—
- “Provided that this subsection shall not prevent the determination of cases without an oral hearing pursuant to rules under section 3 of the Lands Tribunal Act 1949”.
- (3) In section 15(5) of the Land Compensation Act 1961 (assumption as to planning permission) for the words “might reasonably have been expected to be” there shall be substituted the words “would have been ” and after the word “thereof” there shall be inserted the words “ if it were not proposed to be acquired by any authority possessing compulsory purchase powers ”.
- (4) In section 19(3) of the Land Compensation Act 1961 (extension of sections 17 and 18 to special cases) there shall be substituted for the words “paragraph (a)” the words “ paragraphs (a) and (b) ” and for the words “paragraph (b)” the words “ paragraph (c) ”.
- (5) Sub-paragraphs (3) and (4) above shall have effect only in relation to applications, or certificates issued in pursuance of applications made after 12 December 1975.

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

**C186** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M242** 1961 c. 33.

**M243** 1975 c. 77.

**Status:** Point in time view as at 11/09/1996. This version of this Act contains provisions that are not valid for this point in time.

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### Textual Amendments

**F485** Sch. 16 para. 10 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), Sch. 6 Pt. I

### *Land Compensation (Scotland) Act 1963 (c. 51)*

- 7 (1) Sections 9(2), 23(5) and 27(5) of the Land Compensation (Scotland) Act 1963 shall continue to be amended as mentioned in this paragraph notwithstanding the repeal by this Act paragraph 5(1) to (3) and (5) of Schedule 10 to the <sup>M244</sup>Community Land Act 1975.
- (2) At the end of section 9(2) of the Land Compensation (Scotland) Act 1963 (tribunal to sit in public) there shall be added—
- “Provided that this subsection shall not prevent the determination of cases without an oral hearing pursuant to rules under section 3 of the Lands Tribunal Act 1949.”.
- (3) In section 23(5) of the Land Compensation (Scotland) Act 1963 (assumptions as to planning permission) for the words “might reasonably have been expected to be” there shall be substituted the words “would have been” and after the word “thereof” there shall be inserted the words “if it were not proposed to be acquired by any authority possessing compulsory purchase powers”.
- (4) In section 27(5) of the Land Compensation (Scotland) Act 1963 (extension of sections 25 and 26 to special cases) there shall be substituted for the words “section 25(3)(a)” the words “subsection (3)(a) and (b) of section 25” and for the words “subsection (3)(b)” the words “subsection (3)(c)”.
- (5) Sub-paragraphs (3) and (4) above shall have effect only in relation to application to applications, or certificates issued in pursuance of applications, made after 12 December 1975.
- (6) In Schedule 2 to the Land Compensation (Scotland) Act 1963 (acquisition of houses as being unfit for human habitation) at the end of paragraph 1(1) there shall be added “or
- (h) an acquisition by means of an order under section 141 of the Local Government, Planning and Land Act 1980 vesting land in an urban development corporation; or
- (i) an acquisition by such a corporation under section 142 of that Act.”.

### Modifications etc. (not altering text)

**C187** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Marginal Citations

**M244** 1975 c. 77.

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F486 8 . . . . .

#### Textual Amendments

**F486** Sch. 27 para. 14, Sch. 33 paras. 6, 8 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

F487 9 — . . . . .  
11.

#### Textual Amendments

**F487** Sch. 33 paras. 9–11 repealed (E.W.) by S.I. 1990/766, art. 3, **Sch. 1**

F488 12 . . . . .

#### Textual Amendments

**F488** Sch. 33 para. 12 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, **6**

### Local Government Act 1972 (c. 70)

- 13 (1) Paragraph 55 of Schedule 16 to the Local Government Act 1972 shall continue to be amended as mentioned in this paragraph, notwithstanding the repeal by this Act of paragraph 8(2) of Schedule 10 to the <sup>M245</sup>Community Land Act 1975.
- (2) In the said paragraph 55 (which makes provision as to the exercise of functions under section 17 of the <sup>M246</sup>Land Compensation Act 1961 elsewhere than in Greater London) for the words “might reasonably have been expected to be granted”, in both places where they occur, there shall be substituted the words “ would have been granted if the land in question were not proposed to be acquired by any authority possessing compulsory purchase powers. ”

This sub-paragraph shall have effect only in relation to applications made after 12 December 1975.

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

**C188** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M245** 1975 c. 77.

**M246** 1961 c. 33.

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### Housing Act 1980 (c. 51)

- 14 In Schedule 5 to the Housing Act 1980 (application of <sup>M247</sup>Landlord and Tenant Act 1954 to assured tenancies) the following paragraph shall be inserted after paragraph 7:—

“7A The power to prescribe a multiplier conferred by subsection (8) of that section includes a power to prescribe a multiplier in relation to assured tenancies different from that prescribed in relation to other tenancies to which Part II of the Landlord and Tenant Act 1954 applies.”

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

**C189** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M247** 1954 c. 56.

## SCHEDULE 34

Section 194.

### REPEALS

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

**C190** The text of Schs. 2, 3, Sch. 4 paras. 1(1)(2)–(4), 10, Sch. 5, Sch. 6 paras. 1, 4–6, 10–16, 21, Sch. 7 Pt. I paras. 2(2)(5)(6), 3(2)(4), 6, 7, 8, Sch. 7 Pt. II paras. 14(1), 15, Sch. 23 Pt. II para. 2, Pt. III paras. 3–7, Pt. V paras. 12–20, Pt. VI para. 21, Sch. 25 Pt. II para. 7, Pt. III para. 8, Pt. IV para. 9, Sch. 26 para. 18, Sch. 33 paras. 1–5, 7, 13, 14 Sch. 34, Sch. 32 Pt. III para. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## PART I

### REPEALS CONSEQUENTIAL ON SECTION 1(1)—VARIOUS CONTROLS

Chapter	Short title	Extent of repeal
12, 13 & 14 Geo. 6. c. 55	Prevention of Damage by Pests Act 1949.	Section 2(2).  Section 12(1).  In section 21(1) the words “to give general directions

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		under section twelve of this Act and".
14 & 15 Geo. 6. c. 63.	Rag Flock and Other Filling Materials Act 1951.	Section 6(5) and (6).
		Section 7(5) and (6).
		Section 15(5).
		Section 27.
4 & 5 Eliz. 2. c. 16.	Food and Drugs Act 1955.	Section 99(2).
		In section 109, in subsection (2) the words "Subject to the next following subsection," and subsection (3).
1970 c. 40.	Agriculture Act 1970.	Section 67(7).
		Section 80(2), (3) and (4).
		Section 86(8).
1972 c. 70.	Local Government Act 1972.	Section 138(2).
1974 c. 3.	Slaughterhouses Act 1974.	Section 2(6) and (7).
		In section 12(1) the words "and shall if so required by the Minister".
		In section 16(1)(a) the words "and shall if so required by the Minister".

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## PART II

### REPEALS CONSEQUENTIAL ON SECTION 1(2)—CLEAN AIR AND POLLUTION

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Chapter	Short title	Extent of repeal
4 & 5 Eliz. 2 c. 52.	Clean Air Act 1956	Section 4.
		In section 6, subsection (3), and in subsection (5) the words "under subsection (3) or".
		In section 11, in subsection (1) the words "confirmed by the Minister", in subsection (5) the words "and confirmed" (in both places where they occur) and in subsection (6) the words "confirmation and".

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		In section 12(2) the words “and confirmed”.
		In section 31(6), the words from “or”, in the second place where it occurs, to the end in their application to England and Wales.
		Section 35(4).
1964 c. 56.	Housing Act 1964.	In section 95, in subsection (2), the words “as confirmed” and the words “then, if the order is confirmed,” and subsection (2A).
1968 c. 62.	Clean Air Act 1968.	Section 4(3).
		Section 6(3).
		In section 10, subsections (1) to (4).
		In section 12(1) the words “14 or”.
		Section 14(3).
1974 c. 40.	Control of Pollution Act 1974.	In section 2, in subsection (2), the words from “but provision may be made by regulations” to the end, in subsection (3) (a)(vi) the words “and such other persons as may be prescribed”, and subsection (7).
		In section 5, in subsection (1), the words “and include such information as is prescribed”, in subsection (2) the words from “but provision may be made by regulations” to the end, in subsection (4) (a) the words “and to any other prescribed person”, in subsection (4)(b) the words “or person” (in each place where they occur), in subsection (5)(a) the words “and (iii) any other prescribed person”, and in subsection (5)(b) the words



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“or person” (in each place where they occur).

In section 6, in subsection (1) the words “as to the conditions which are not to be specified in a disposal licence, and”, and in subsection (2) the words “Subject to regulations made in pursuance of the preceding subsection”.

In section 11, in subsection (3), paragraph (b) and in paragraph (c) the words “and to any other prescribed person” in subsection (4)(a) the words “and to any other prescribed person”, and, in subsection (6), paragraph (b) and the word “and” immediately preceding it.

In section 23, subsection (3) and, in subsection (4), the word “also”.

In section 28(1) the words “in the prescribed form”.

In section 63, in subsection (1) the words “confirmed by the Secretary of State”, in subsection (3) the words “and confirmed” (in both places where they occur), and in subsection (4) the words “confirmation and”.

Section 73(2)(a).

In section 79(5) the words “or with the consent of the Secretary of State”.

In Schedule 3, paragraph 22.

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### PART III

#### REPEALS CONSEQUENTIAL ON SECTION 1(3)—AMENITY ETC.

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Chapter	Short title	Extent of repeal
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39 & 40 Vict. c. 56.	Commons Act 1876.	Section 8.
62 & 63 Vict. c. 30.	Commons Act 1899.	In section 2, the second sentence.  In section 12 the words “and subject to the approval of the Local Government Board”.
12, 13 & 14 Geo. 6. c. 97.	National Parks and Access to the Countryside Act 1949.	Section 37.  In section 61(3) paragraph (b) of the proviso.  Section 62(4).  In section 80(3) the words “made with the approval of the Minister”.
1968 c. 41.	Countryside Act 1968.	Section 17.
1978 c. 3.	Refuse Disposal (Amenity) Act 1978.	In section 3(2) the words “in the prescribed manner” and the words “in the prescribed manner and”.  Section 4(4).  In section 6(2) the words “in the prescribed manner” and the words “in the prescribed manner and”.

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## PART IV

### REPEALS CONSEQUENTIAL ON SECTION 1(4)—WEIGHTS AND MEASURES AND TRADE

Chapter	Short title	Extent of repeal
14 Geo. 6. c. 28.	Shops Act 1950.	In section 8(1) the words “and confirmed by the Secretary of State in manner provided in this Act”.  In section 9, in subsection (2), the words from “and the order” to the end, and subsection (3).  Section 10.
1963 c. 31.	Weights and Measures Act 1963.	In section 5(1A) the words “with the approval of the Secretary of State”.

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		In section 39, subsections (3), (4) and (5).
		In section 41(2) the words from “and notice” to the end.
1968 c. 29.	Trade Descriptions Act 1968.	Section 26(3) and (4).
1974 c. 39.	Consumer Credit Act 1974.	Section 161(4), (5) and (6).
1979 c. 38.	Estate Agents Act 1979.	Section 26(5), (6), (7) and (8).
1979 c. 45.	Weights and Measures Act 1979.	In section 1(8)(a) the words from “and for the payment” to the end.
		In section 4(3) the words from “to the investigation of a complaint” to “are not being properly discharged” the words “in sections 38(1)” and the words “39(3) the references”.

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## PART V

### REPEALS CONSEQUENTIAL ON SECTION 1(5)—ALLOTMENTS

Chapter	Short title	Extent of repeal
8 Edw. 7. c. 36.	Small Holdings and Allotments Act 1908.	In section 28(3) the words “Rules under this section” to the end.
		In section 32(2) the words “and which is approved by the Local Government Board”.
		In the proviso to section 47(1) the words from “but, if the tenant feels aggrieved” to the end.
		In section 49(2) the words “with the consent of, and subject to regulations made by, the Local Government Board”.
		Section 54.
		Section 59.

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9 & 10 Geo. 5. c. 59.	Land Settlement (Facilities) Act 1919.	In section 22(1) the words from “with the consent” to “may impose”.
12 & 13 GGeo. 5. c. 51.	Allotments Act 1922.	Section 20.
15 & 16 Geo. 5. c. 61.	Allotments Act 1925.	Section 13.

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## PART VI

### REPEALS CONSEQUENTIAL ON SECTION 1(6)—CHARGES AND RATES OF INTEREST ETC.

Chapter	Short title	Extent of repeal
26 Geo. 5 & 1 Edw. 8. c. 49.	Public Health Act 1936.	In section 291(3), the proviso.
5 & 6 Eliz. 2. c. 56.	Housing Act 1957.	Section 10(6).
9 & 10 Eliz. 2. c. 65.	Housing Act 1961.	Section 18(8).
1964 c. 75.	Public Libraries and Museums Act 1964.	In section 8(2), the words “not exceeding such amount as may be specified in that behalf by the Secretary of State”.
1966 c. 42.	Local Government Act 1966.	In Schedule 3, in Part II, paragraphs 7, 15 and 32.
1966 c. 51.	Local Government (Scotland) Act 1966.	In Schedule 4, in Part II, paragraphs 13 and 22.
1968 c. 54.	Theatres Act 1968.	In Schedule 1, in paragraph 3, sub-paragraphs (2) and (3).
1972 c. 70.	Local Government Act 1972.	Section 171.
1972 c. xl.	Greater London Council (General Powers) Act 1972.	Section 19(6)(c).
1973 c. 60.	Breeding of Dogs Act 1973.	Section 1(3).
1973 c. 65.	Local Government (Scotland) Act 1973.	In section 121(1) the words “section 10(2) of the Coast Protection Act 1949” and “section 23(5) of the Mines and Quarries (Tips) Act 1969”.
1974 c. 44.	Housing Act 1974.	Section 76(6).

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## PART VII

### REPEALS CONSEQUENTIAL ON SECTION 1(7)—HIGHWAYS

Chapter	Short title	Extent of repeal
12, 13 & 14 Geo. 6. c. 97.	National Parks and Access to the Countryside Act 1949.	In section 53, in subsection (1), the words “with the approval of the Minister” in paragraph (b) and at the end of that paragraph the words “as the Minister may either generally or in any particular case direct”, and subsections (3) and (4).
7 & 8 Eliz. 2 c. 25.	Highways Act 1959.	<p>In section 30, subsections (2) and (3) and in subsection (4), the words “Subject to the provisions of subsection (2) of this section.”.</p> <p>Section 59(6).</p> <p>In section 73(1) the proviso.</p> <p>Sections 95 and 96.</p> <p>In section 108(10), the words “and any question arising under this subsection whether the withholding of a consent is unreasonable shall be determined by the Minister”.</p> <p>In section 126, subsection (2), in subsection (3) the words “or the Minister of Housing and Local Government under the last foregoing paragraph”, and in subsection (4), the words “or subsection (2)”.</p> <p>Section 181(5).</p> <p>In section 211(2) the proviso.</p> <p>In section 233, in subsection (2), the words from “but” to the end and in subsection (5) the words “subject to the approval of the Minister”.</p> <p>Section 246(2).</p>

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		Section 264(5).
		Section 280(2), (3) and (4).
		Section 288.
		In Schedule 24, paragraph 12(4).
9 & 10 Eliz. 2. c. 63.	Highways (Miscellaneous Provisions) Act 1961.	Section 16(4).
1966 c. 42.	Local Government Act 1966.	Section 29(3).
1968 c. 41.	Countryside Act 1968.	In section 29(4) the words “and the highway authority shall before refusing to make an order under subsection (22) of this section consult the Minister of Agriculture, Fisheries and Food”.
1968 c. 73.	Transport Act 1968.	Section 120.
1971 c. 41.	Highways Act 1971.	Section 85.

## PART VIII

### REPEALS CONSEQUENTIAL ON SECTION 1(8)—ROAD TRAFFIC

Chapter	Short title	Extent of repeal
1967 c. 76.	Road Traffic Regulation Act 1967.	Section 1(9).  In section 9(5) the words “made by the Greater London Council”.  Section 17.  Section 26(5).  Section 84B(1)(g).  In section 84D, in subsection (2)(d), the words “section 26(5) or” and subsection (3).  Section 113(2).
1968 c. 41.	Countryside Act 1968.	Section 32(9).
1972 c. 70.	Local Government Act 1972.	In Schedule 19, paragraph 11.
1973 c. 65.	Local Government (Scotland) Act 1973.	In Schedule 14, paragraph 63.

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## PART IX

### RATES

Chapter	Short title	Extent of repeal
1967 c. 9.	General Rate Act 1967.	<p>In section 4(2), the words “of seven days”.</p> <p>Section 5(1)(g).</p> <p>In section 19(6), the definition of “house”.</p> <p>In section 30(1), the word “(2)”.</p> <p>Section 48(4).</p> <p>Section 50(2).</p> <p>In Schedule 1, in paragraph 1(2), the words “and no reduction shall be made under section 48 of this Act in respect of any rates so payable”.</p> <p>Schedule 2.</p> <p>In Schedule 10, paragraph 2, in paragraph 5(c) the words from “(apart” to “this Act)” and in paragraph 6 the words “in accordance with paragraph 1(a) of this Schedule”.</p>
1969 c. 19.	Decimal Currency Act 1969.	In Schedule 2, paragraph 28(3).
1973 c. xxx.	Greater London Council (General Powers) Act 1973.	Section 26.
1974 c. 7.	Local Government Act 1974.	In Schedule 7, paragraph 4.
1975 c. 5.	General Rate Act 1975.	The whole Act.
1976 c. 15	Rating (Caravan Sites) Act 1976.	In section 1(4) the words “in determining whether the hereditament is a mixed hereditament”.

## PART X

### TOWN AND COUNTRY PLANNING

Chapter	Short title	Extent of repeal
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1971 c. 78.

Town and Country Planning  
Act 1971.

In section 6, in subsection (2), the words “and shall, if directed to do so by the Secretary of State” and in subsection (5), the words “and, for the Secretary of State to direct them to institute,”.

In section 7, in subsection (2), the words “during such period as the Secretary of State may direct” and the words from “and” to the end, and subsection (5).

In section 10C(2), the words “Subject to regulations under this section,”.

In section 11, in subsection (3)(b), the words “or as the Secretary of State may in any particular case direct”, in subsection (5), the words “or as the case may in any particular case be specified in directions given by the Secretary of State;” subsection (6), and in subsection (10), the words “the preceding provisions of”.

In section 12, in subsection (1)(a), the words “to any relevant matter arising out of a survey carried out under section 6 or 11 of this Act and”, in subsection (2), the words “and at such other places as may be prescribed” and in subsection (3), the words “containing such particulars, if any, as the case may be prescribed”.

Section 50.

In section 55(2), the word “only” and in paragraph (a), the words “(in this Act referred to as “listed building consent”)”.

Section 56(2).



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In section 60(5), paragraph (c) and in paragraph (d), the words “the Secretary of State or”.

In section 61, in subsection (2)(b), the words from “or” to the end of the paragraph and subsection (3).

In section 277, subsection (3) and (5)(a) and (b).

In section 277A, subsection (3) and in subsection (4), the words “or to an individual building so specified”.

Section 277B(3).

In Schedule 3, in paragraph 4, the word “58”.

In Schedule 4, in paragraph 1, the words from “or” to the end, in paragraph 2, the words from “and” to the end, paragraph 6, in paragraph 11, in sub-paragraph (2)(b), the words “or as the Secretary of State may direct”, and in sub-paragraph (3), the words “or as may in any particular case be specified in directions given by the Secretary of State”, and in paragraph 12, in sub-paragraph (2), the words “and at such other places as may be prescribed” and in sub-paragraph (3), the word “such” and the words “if any, as may be prescribed”.

In Schedule 11, paragraph 3, paragraph 12(1)(b) and the word “and” immediately preceding it and in paragraph 12(3), the words from “and the notice” to the end.

1972 c. 70.

Local Government Act 1972.

In Schedule 16, in paragraph 15(2), the words from “unless” to the end, in paragraph 25, in sub-paragraph (1), the

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		words "Subject to sub-paragraph (2) below," and sub-paragraph (2), and paragraph 32(d). In Schedule 17, paragraph 6(b).
1978 c. 50.	Inner Urban Areas Act 1978.	Section 12.

## PART XI

### COMMUNITY LAND

Chapter	Short title	Extent of repeal
1961 c. 33.	Land Compensation Act 1961.	In Schedule 2, paragraph 2(1)(i) and the word "or" immediately preceding it.
1963 c. 51.	Land Compensation (Scotland) Act 1963.	In Schedule 2, paragraph 1(1)(g) and the word "or" immediately preceding it.
1971 c. 78.	Town and Country Planning Act 1971.	Section 34(1A).
1972 c. 52.	Town and Country Planning (Scotland) Act 1972.	In section 31(2) the words "and with respect to resolutions and notifications under Schedule 8 to the Community Land Act 1975". Section 31(2A).
1974 c. 7.	Local Government Act 1974.	In section 25(1)(aa) the words from "and" to the end.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to a Financial Tribunal within the meaning of section 27(1) of the Community Land Act 1975.
1975 c. 30.	Local Government (Scotland) Act 1975.	Section 23(1)(aa).
1975 c. 77.	Community Land Act 1975.	The whole Act.
1976 c. 75.	Development of Rural Wales Act 1976.	In Schedule 7, paragraph 16.
1977 c. 42.	Rent Act 1977.	In Schedule 23, paragraph 71.

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## PART XII

### LAND COMPENSATION

Chapter	Short title	Extent of repeal
1973 c. 26.	Land Compensation Act 1973.	Section 14.  In section 19, in subsection (1) the definition of “claim period” and in subsection (3) the words from “but, if it does” onwards.  Section 32(8).
1973 c. 56.	Land Compensation (Scotland) Act 1973.	Section 12.  In section 17, in subsection (1) the definition of “claim period” and in subsection (3) the words from “but, if it does” onwards.  Section 29(8).

## PART XIII

### REPEALS CONSEQUENTIAL ON SECTION 118 ENGLAND AND WALES

Chapter	Short title	Extent of repeal
9 & 10 Geo. 6. c. 49.	Acquisition of Land (Authorisation Procedure) Act 1946.	In Schedule 1, in paragraph 3(1), the words in head (b) from “except” to “case”, head (c) and the proviso, and in paragraph 7A, the words “the confirming authority and to” and the words “or affixing of notices”.
12, 13 & 14 Geo. 6. c. 97.	National Parks and Access to the Countryside Act 1949.	Section 77(4).
7 & 8 Eliz. 2. c. 53.	Town and Country Planning Act 1959.	In section 23(3), the words following paragraph (ii).  In section 26, subsection (3) and in subsection (5) the words following paragraph (ii).  Section 30(5).

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1971 c. 78.	Town and Country Planning Act 1971.	Section 119(2).  In section 121(1) the words “open space”. Section 122(2)(a) and (3). Section 123(2)(a) and (b), (3) to (6).
1972 c. 70.	Local Government Act 1972.	In section 122, in subsection (2), the words “open space” in paragraph (a) and the words following paragraph (b), and subsections (3), (5) and (6). Section 123(3), (4) and (5). Section 123A. In section 126, in subsection (4), the words “open space” in paragraph (a) and the words following paragraph (b), and subsections (5) and (7).
SCOTLAND		
1973 c. 65.	Local Government (Scotland) Act 1973.	Section 74A.

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## PART XIV

### TOWN DEVELOPMENT

Chapter	Short title	Extent of repeal
15 & 16 Geo. 6 & 1 Eliz. 2. c. 54.	Town Development Act 1952.	In section 4(1), the words “county or”. Section 7(c). In the second paragraph of section 8(1), paragraph (c). In section 10(3), the words “county or”. Section 11.
1972 c. 70.	Local Government Act 1972.	Section 185(2) and (3). In Schedule 18, paragraph 1 and in paragraph 4 the words from “the”, in the first place where it occurs, to “and”.

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## PART XV

### NEW TOWNS

Chapter	Short title	Extent of repeal
1964 c. 26.	Licensing Act 1964.	In section 112(1), in paragraph (a), sub-paragraph (ii) and the word “or” immediately preceding it and, in paragraph (b), sub-paragraph (ii) and the word “or” immediately preceding it.  In section 112(5) the words “or licensed premises”.

## PART XVI

### MISCELLANEOUS

Chapter	Short title	Extent of repeal
38 & 39 Vict. c. 55.	Public Health Act 1875.	Section 172.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 31.	Cremation Act 1952.	In section 1, in subsection (1) the words from “unless” to “nor” and the words “to be in accordance with such plans” and subsections (2) and (3).
7 & 8 Eliz. 2. c. 25.	Highways Act 1959.	In section 127(c) the words “or a gipsy.”
4 & 5 Eliz. 2. c. 52.	Clean Air Act 1956.	Section 23.
1963 c. 33.	London Government Act 1963.	Section 73(2).  In Schedule 2, in paragraph 28(1), the words “with the approval of the Treasury”.
1966 c. 42.	Local Government Act 1966.	In section 9(3), the words “to a local authority”.  In Schedule 5, paragraph 1.
1968 c. 52.	Caravan Sites Act 1968.	In section 6(2), the words from “and the Minister” to the end.
1970 c. 42.	Local Authority Social Services Act 1970.	Section 6(3) and (4).  In section 13, in subsection (1), the words

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		<p>“and regulations” in subsection (3), the words “or regulations under section 6(3) thereof”, and in subsection (5), the words “or regulations”.</p> <p>In section 15(2), the word “3”.</p>
1972 c. 70.	Local Government Act 1972.	<p>Section 144(3).</p> <p>Section 174(3).</p> <p>In section 190, in subsection (1) the words from “and for the words” to the end, and subsections (2) and (3).</p>
1973 c. 37.	Water Act 1973.	In Schedule 3, paragraph 11(2).
1973 c. 65.	Local Government (Scotland) Act 1973.	Section 46(2).
1974 c. 7.	Local Government Act 1974.	<p>Section 1(8)</p> <p>In Schedule 1, paragraphs 1 to 5 and 10.</p>
1976 c. 70.	Land Drainage Act 1976.	Section 65(8).
1978 c. 50.	Inner Urban Areas Act 1978.	Section 14.
1978 c. xiii.	Greater London Council (General Powers) Act 1978.	Section 8.

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