

Status: Point in time view as at 01/10/2011.

Changes to legislation: New Towns Act 1981, SCHEDULE 1 is up to date with all changes known to be in force on or before 29 May 2024. 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)

SCHEDULES

SCHEDULE 1

Section 1.

PROCEDURE FOR DESIGNATING AREA

Making of orders under section 1

- 1 (1) Where the Secretary of State proposes to make an order under section 1 above he shall prepare a draft of the order, describing the area to be designated as the site of the proposed new town by reference to a map, either with or without descriptive matter, together with such statement as he considers necessary for indicating the size and general character of the proposed new town.
- (2) In the case of any discrepancy between the map and any such descriptive matter, the descriptive matter shall prevail except in so far as may be otherwise provided by the draft order.
- 2 (1) Before making the order the Secretary of State shall publish a notice—
 - (a) in the London Gazette;
 - (b) in one or more newspapers circulating in the locality in which the proposed new town will be situated; and
 - (c) in such other newspapers, if any, as he considers appropriate in the circumstances.
- (2) That notice shall—
 - (a) describe the area to be designated as the site of the proposed new town;
 - (b) state that the draft of an order under section 1 above has been prepared by the Secretary of State in relation to that area and is about to be considered by him;
 - (c) name a place within that area where a copy of the draft order (including any map or descriptive matter annexed to it) and of the statement required by paragraph 1 above may be seen at any reasonable hour;
 - (d) specify the time (not being less than 28 days from the publication of the notice in the Gazette) within which, and the manner in which, objections to the proposed order may be made.
- (3) The Secretary of State shall, not later than the date on which the notice is published in the Gazette, serve a like notice on the council of every county and of every district [F1or, in the case of land in Wales, every county or county borough]in which the land, or any part of the land, to which the order relates is situated, and on any other local authority who appear to him to be concerned with the order.

Textual Amendments

F1 Words in Sch. 1 para. 2(3) inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 63(9) (with ss. 54(5) (7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

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- 3 If any objection is duly made to the proposed order and is not withdrawn, the Secretary of State shall, before making the order, cause a public local inquiry to be held with respect to the objection, and shall consider the report of the person by whom the inquiry was held.
- 4 Subject to paragraph 3 above, the Secretary of State may make the order either in terms of the draft or subject to such modifications as he thinks fit, but, except with the consent of all persons interested, he shall not make the order subject to a modification which includes in the area designated as the site of the proposed new town any land not so designated in the draft order.
- 5 (1) As soon as may be after an order has been made as provided by this Schedule, the Secretary of State shall publish as provided in paragraph 2(1) above a notice stating that the order has been made and naming a place (within the area designated by the order as the site of the proposed new town) where a copy of the order may be seen at any reasonable hour.
- (2) The Secretary of State shall serve a like notice—
- (a) on any local authority on whom notice of the proposed order was served under paragraph 2; and
 - (b) on any other person who has duly made an objection to the proposed order and, at or after the time of making that objection, has sent to the Secretary of State a request in writing to serve him with the notice required by this paragraph, giving an address for service.

Validity and date of operation of orders under section 1

- 6 (1) If any person aggrieved by an order under section 1 above desires to question the validity of that order, or of any provision contained in it, on the ground—
- (a) that it is not within the powers of this Act, or
 - (b) that any requirement of this Act has not been complied with in relation to the order,
- he may, within 6 weeks from the date on which notice of the making of the order is first published in accordance with the relevant provisions of this Schedule apply to the High Court.
- (2) On any such application the Court—
- (a) may by interim order suspend the operation of the order or any of its provisions, either generally or in so far as it affects any of the applicant's property, until the final determination of the proceedings; and
 - (b) if satisfied that the order or any of its provisions—
 - (i) is not within the powers of this Act, or
 - (ii) that the applicant's interests have been substantially prejudiced by any requirement of this Act not having been complied with,
 may quash the order or any of its provisions, either generally or in so far as it affects any of the applicant's property.
- 7 Subject to paragraph 6 above, an order under section 1 above shall not, either before or after it has been made, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which notice is first published as mentioned in that paragraph.

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