
STATUTORY INSTRUMENTS

2018 No. 891

The New Towns Act 1981 (Local Authority Oversight) Regulations 2018

Citation and commencement

1. These Regulations may be cited as the New Towns Act 1981 (Local Authority Oversight) Regulations 2018 and come into force on the day after the date on which they are made.

Interpretation

2. In these Regulations—

“the 1981 Act” means the New Towns Act 1981;

“locally-led new town” means a new town, designated by order under section 1 of the 1981 Act (designation of areas), in relation to which the Secretary of State has appointed an oversight authority; and

“oversight authority” means one or more local authorities appointed by the Secretary of State to oversee the development of a new town pursuant to section 1A(2) of the 1981 Act (local authority to oversee development of new town).

Functions of oversight authority

3.—(1) In relation to a locally-led new town, the oversight authority for the new town is to exercise the functions of the Secretary of State under the following provisions of the 1981 Act—

- (a) section 4(4) (objects and general powers of development corporations);
- (b) section 5(2) and (3) (restrictions on powers of development corporations)(1);
- (c) section 7(1) (planning control);
- (d) section 10(1) or (3) (acquisition of land by development corporations) excluding the function of confirming an order in accordance with Schedule 4 to the 1981 Act, which remains with the Secretary of State;
- (e) section 17(2) (conditions as to disposal);
- (f) section 59 (other borrowing powers of development corporations);
- (g) section 71 (information);
- (h) section 73(2) (rights of entry);
- (i) paragraph 1 of Schedule 2 (disposal of land); and
- (j) Schedule 3 (constitution and proceedings of development corporation),

(1) 1981 c. 64. Section 5 was amended by Schedule 4 to the New Towns and Urban Development Corporations Act 1985 (c. 5) and paragraph 64 of Schedule 25 to the Water Act 1989 (c. 15); section 17(2) was amended by Schedule 3 to the New Towns and Urban Development Corporations Act 1985; section 59 was amended by Schedule 5 to the Housing and Regeneration Act 2008 (c. 17) (“the 2008 Act”) and article 4 of S.I. 2011/1043; section 71 was amended by Schedule 5 to the 2008 Act; paragraph 1 of Schedule 2 was amended by Schedule 3 to the New Towns and Urban Development Corporations Act 1985; paragraph 5 of Schedule 3 was amended by S.I. 2012/2404, and section 17(2) was amended by Schedule 5 to the 2008 Act.

(2) So far as is necessary for the purposes of or in consequence of paragraph (1), the provisions mentioned in paragraph (1) have effect as if references to the Secretary of State in those provisions were references to the oversight authority.

4.—(1) The oversight authority for a locally-led new town is to exercise the functions of the appropriate national authority under section 39(1) to (3) of the 1981 Act⁽²⁾ and those provisions have effect subject to paragraph (2), as if—

- (a) references to the appropriate national authority were references to the oversight authority, and
- (b) reference to concurrence of the Treasury were omitted.

(2) Where a local authority which makes an agreement under section 39 of the 1981 Act with the development corporation is the oversight authority section 39 has effect as if—

- (a) in subsection (1), the references to approval of the appropriate national authority and concurrence of the Treasury were omitted; and
- (b) in subsection (2) and (3), the references to the appropriate national authority approving an agreement were references to the local authority making an agreement.

Functions of the Secretary of State

5. The functions of the Secretary of State under the following provisions of the 1981 Act may only be exercised by the Secretary of State in relation to a locally-led new town with the consent of the oversight authority for that new town—

- (a) section 2 (reduction of designated areas);
- (b) section 6 (allocation or transfer of new town functions);
- (c) section 63 (Secretary of State’s general power);
- (d) section 65 (disposal of surplus funds); and
- (e) paragraph 2 of Schedule 10 (additional provisions as to transfer of property).

Modifications of the 1981 Act

6. Schedule 1 makes further modifications to the provisions of the 1981 Act in relation to locally-led new towns.

Consequential amendments

7. Schedule 2 contains consequential amendments.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Kit Malthouse
Minister of State
Ministry of Housing, Communities and Local
Government

23rd July 2018

(2) 1981 c.64. Section 39(1) to (3) was amended by Schedule 5 to the Housing and Regeneration Act 2008.