



Development of Rural Wales Act 1976

1976 CHAPTER 75

An Act to establish a Development Board for Rural Wales, to confer power on the Secretary of State to pay housing and rent rebate subsidies to the Board, to make provision in relation to certain other bodies concerned with the development of Wales, to confer power on the Secretary of State to give financial assistance to bodies concerned with the social development of Wales and for purposes connected with those purposes. [22nd November 1976]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Development Board for Rural Wales

1 Establishment and general function of Development Board for Rural Wales

- (1) For the purpose of promoting the economic and social well-being of the people in the area of Wales for which it is responsible under this Act, there shall be a body to be called the Development Board for Rural Wales (in this Act referred to as "the Board") having, in relation to that area, the functions conferred or imposed by this Act.
- (2) The area in Wales for which the Board is responsible under this Act is, subject to subsection (3) below, the county of Powys and the districts of Ceredigion and Meirionnydd and such other areas in Wales as the Secretary of State may from time to time designate by order.
- (3) The Secretary of State may by order designate an area which is to cease from the coming into operation of the order to be part of the area for which, by virtue of subsection (2) above, the Board is responsible under this Act.
- (4) Before making an order under subsection (2) or (3) above, the Secretary of State shall consult—

- (a) in the case of a proposal to make an order under subsection (2), the council of each county and of each district any part of whose area is or, if the order is made, will be included in the area for which the Board is responsible;
 - (b) in the case of a proposal to make an order under subsection (3), the council of each county and of each district any part of whose area is included in the area for which the Board is responsible ;
 - (c) such organisations as appear to the Secretary of State to be representative of local authorities in Wales ; and
 - (d) such other persons as appear to him to have an interest in the proposed change in the area for which the Board is responsible.
- (5) Subject to subsection (6) below, the general function of the Board under this Act is to prepare, concert, promote, support and undertake measures for the economic and social development of the area for which it is responsible and in particular for the development of any area of a new town or new town situated within the area for which it is responsible.
- (6) Except so far as it is authorised under section 4(1)(h) of this Act, the Board shall not engage in farming any land held by it or in forestry or afforestation on such land.
- (7) Schedule 1 to this Act shall have effect in relation to the Board.
- (8) An order under subsection (3) above may contain such incidental, consequential, transitional or supplemental provisions as appear to the Secretary of State to be necessary or expedient.

2 Directions of the Secretary of State to the Board

The Secretary of State may, after consultation with the Board, give to the Board directions as to the exercise and performance of their functions, and the Board shall give effect to any such directions.

3 Duties of the Board

- (1) In pursuance of its general function under section 1(5) of this Act the Board shall have the following duties—
- (a) to keep under review all matters relating to the economic and social development of the area for which it is responsible;
 - (b) from time to time to prepare and submit to the Secretary of State for his approval proposals (whether of a general or specific character) for the economic and social development of the area or any part of it;
 - (c) to concert, promote, support or undertake measures to implement any proposals so approved ;
 - (d) to advise the Secretary of State on such matters relating to the Board's functions as he may refer to the Board or as the Board may think fit;
 - (e) as soon as possible after the end of each accounting year, to make to the Secretary of State in accordance with paragraph 17 of Schedule 1 to this Act a report as respects that year on the discharge of its functions.
- (2) In relation to any area of a new town or new town situated within the area for which the Board is responsible—

- (a) no development corporation shall be established under section 2 of the New Towns Act 1965 for that town or if one has been so established it shall be dissolved by order of the Secretary of State under this paragraph on such day as may be specified in the order; and
 - (b) it shall be for the Board to discharge its functions under this Act and to discharge them under and in accordance with the new towns code in so far as that code confers or imposes functions or applies to the discharge of functions under this Act.
- (3) Subsection (2) above applies whether the area of the new town was designated or the development corporation was established before or after the passing of this Act and whether the area of the new town was designated before or after the area of the new town became part of the area for which the Board is responsible.
- (4) An order under subsection (2)(a) above—
 - (a) shall include provision transferring to the Board on the date on which the development corporation is dissolved the property, rights, liabilities and obligations of the development corporation;
 - (b) may include such further incidental, consequential, transitional or supplemental provisions as appear to the Secretary of State to be necessary or expedient;and Schedule 2 to this Act shall have effect with respect to the members and staff of a development corporation dissolved by such an order.
- (5) Subsection (2)(b) above applies also in relation to land which is (within the meaning of section 6(3) of this Act) associated with the area of a new town situated within the area for which the Board is responsible.
- (6) The Board shall, before it prepares or submits proposals under subsection (1)(b) above to the Secretary of State for his approval, consult—
 - (a) each planning authority having functions in relation to the area for which the Board is responsible or the part of the area to which the proposals relate; and
 - (b) such other local authorities and other bodies as appear to the Board to have an interest in the proposals.
- (7) The Secretary of State may, subject to paragraph 1 of Schedule 3 to this Act, approve in whole or in part (and with or without modifications) any proposals so submitted to him or may refuse to approve them.
- (8) Copies of every report made to the Secretary of State under subsection (1)(e) above shall be laid by him before each House of Parliament.

4 General powers of the Board

- (1) For the purpose of enabling it to discharge its general function under this Act, the Board shall, subject to the provisions of this Act, have the following powers in relation to the area for which it is responsible, that is to say, power—
 - (a) to acquire, hold, manage, develop and dispose of land or other property;
 - (b) to carry out building and other operations;
 - (c) to provide services for any land or other property ;
 - (d) to provide finance—

- (i) for the taking by any local authority or statutory undertakers of such measures as the Board considers will contribute to the economic or social development of that area ; or
 - (ii) for such activities of other persons as the Board considers will contribute to the social development of that area;
 - (e) as agent of the Welsh Development Agency, to provide finance for persons carrying on or intending to carry on industrial undertakings in that area;
 - (f) as agent of the Welsh Development Agency, to provide services (other than finance) for any undertaking or business which is or is intended to be carried on in that area;
 - (g) to carry on or acquire and carry on any undertaking or business;
 - (h) to do anything which is likely to facilitate the discharge of the Board's functions or is incidental or conducive to their discharge.
- (2) The things which may be done under paragraph (h) of subsection (1) above include the carrying out of agricultural operations and the carrying on of forestry and afforestation.
- (3) The powers conferred by paragraphs (c), (d) and (h) of subsection (1) above may be exercised outside the area for which the Board is responsible.
- (4) Finance may be provided under this section by way of grant, loan or the giving of guarantees or by any combination of those means.
- (5) The conditions which may be attached to the provision of finance under this section include conditions for repayment of the whole or any part of a grant in any circumstances.
- (6) The Board shall not exercise the powers—
- (a) to dispose of land or other property, or
 - (b) to provide finance under subsection (1)(d) above, or
 - (c) to carry on or acquire and carry on any undertaking or business,
- without the consent of the Secretary of State.
- (7) The Secretary of State shall not consent under subsection (6) above to the provision of finance under subsection (1)(d) above without the approval of the Treasury.
- (8) In exercising any of the powers conferred by subsection (1) above, the Board shall have regard to the need to conserve agricultural land and to the requirements of agriculture and efficient land management.
- (9) Any consent or approval to the exercise of a power under this section may be given for the purpose of the particular case or for the purpose of a class of cases.

5 New towns within the Board's area

- (1) Schedule 3 to this Act, which enacts in relation to the Board and certain other authorities and to the areas of new towns for the development of which the Board is responsible under this Act provisions corresponding with provisions of the New Towns Act 1965 about—
- (a) planning control,
 - (b) compulsory acquisition of land for roads,
 - (c) the procedure for compulsory acquisition of land,
 - (d) special powers for using land acquired,

- (e) statutory undertakers affected by the acquisition of land, and
- (f) the provision of sewerage services,

shall have effect (to the exclusion of any corresponding provision of that Act which is capable of applying within the area for which the Board is responsible).

- (2) In this Act " the new towns code " means the provisions of section 6(2)(a) of and Schedule 3 to this Act, and any reference to a numbered Part of that code is a reference to the correspondingly numbered Part of that Schedule.

6 Acquisition of land

- (1) The power to acquire land conferred on the Board by section 4(1) of this Act is a power—

- (a) to acquire land by agreement, with the approval of the Secretary of State, and
 - (b) to acquire land compulsorily, if so authorised by the Secretary of State,
- for the purpose of enabling the Board to discharge its general function under this Act.

- (2) The power of the Board under the said section 4(1) to acquire land compulsorily shall be exercised as follows, that is to say—

- (a) where the land is situated within the area of a new town or is land associated with the area of a new town, by means of a compulsory purchase order under this paragraph made by the Board and submitted to and confirmed by the Secretary of State in accordance with Part III of the new towns code ;
- (b) in the case of any other land, by means of a compulsory purchase order under this paragraph made by the Board and submitted to and confirmed by the Secretary of State in accordance with Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946;

and for the purpose of the application of that Act to a compulsory purchase order under paragraph (b) above, it shall be assumed that the Board is a local authority within the meaning of that Act and that section 4(1) of this Act was in force immediately before the commencement of that Act.

- (3) For the purposes of subsection (2) above, land is associated with the area of a new town if it is land—

- (a) which is adjacent to that area and is required for purposes connected with the development of the new town by the Board ; or
- (b) which, whether adjacent to that area or not, is required for the provision of services for the purposes of the new town.

- (4) Part I of the Compulsory Purchase Act 1965 shall apply—

- (a) for the purposes of the acquisition of land under this Act by agreement so far as it is applicable and in particular as if section 27 (making good rate deficiencies) were omitted;
- (b) for the purposes of the acquisition of land under the new towns code as if—
 - (i) " acquiring authority " had the meaning given in the code;
 - (ii) the new towns code and the compulsory purchase order made under the code were the special Act;
 - (iii) sections 27 and 30(3) (notices) were omitted;and subject to Part IV of that code and any other necessary modifications.

- (5) A compulsory purchase order under any provision of this Act may provide for the acquisition of rights over land by creating them as well as for the acquisition of rights already in existence.
- (6) The Acquisition of Land (Authorisation Procedure) Act 1946 and the Compulsory Purchase Act 1965 shall have effect with the modifications necessary to make them apply to the compulsory acquisition of rights by virtue of subsection (5) above as they apply to the compulsory acquisition 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.
- (7) Without prejudice to the generality of subsection (6) above, in relation to the acquisition of rights by virtue of subsection (5) above—
- (a) Part III of Schedule 1 to the said Act of 1946 (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 Part I of Schedule 4 to this Act;
 - (b) Part I of the said Act of 1965 (which relates to compulsory purchases made in accordance with the said Act of 1946) shall have effect with the modifications specified in Part II of Schedule 4 to this Act; 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.
- (8) The Board may, with the approval of the Secretary of State, appropriate land acquired for the purpose of any of the Board's functions to the purpose of any of its other functions.

7 Overseas aid

- (1) The Board may, with the consent of the Secretary of State, enter into and carry out agreements with the Minister of Overseas Development under which the Board acts, at the expense of that Minister, as the instrument by means of which technical assistance is furnished by that Minister in the exercise of the power conferred by section 1(1) of the Overseas Aid Act 1966.
- (2) The Board may, with the consent of both the Secretary of State and the Minister of Overseas Development, enter into and carry out agreements under which the Board, for any purpose specified in section 1(1) of that Act, furnishes technical assistance in a country or territory outside the United Kingdom against reimbursement to the Board of the cost of furnishing that assistance.

8 Assistance to the Board from public authorities and others

- (1) The Board may appoint a local authority, development corporation of a new town or any other body of a public nature to discharge any of the Board's functions on its behalf and that authority, corporation or body shall have power to do whatever is necessary to enable it to discharge the functions it is so appointed to discharge.
- (2) The Board may, with the consent of the Housing Corporation, appoint a registered housing association to discharge on behalf of the Board the Board's function of providing housing under section 4(1) of this Act.

- (3) For the purpose of assisting the Board to discharge its functions (whether in pursuance of subsection (1) above or otherwise), a local authority, development corporation of a new town or other body of a public nature may, on being so requested by the Board, place the services of its staff at the Board's disposal, on such terms as may be agreed with the Board.
- (4) In this section " housing association " and, in relation to it, " registered " have the same meanings as in the Housing Act 1974 as that Act applies to England and Wales.

9 Borrowing powers of the Board

- (1) The Board 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) The Board may borrow otherwise than by way of temporary loan such sums as the Board 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 Board may, with the consent of the Secretary of State, borrow otherwise than by way of temporary loan from the Commission of the European Communities or the European Investment Bank sums in any currency.
- (4) The Board shall not borrow money otherwise than under this section.
- (5) The Secretary of State may lend to the Board any sums which the Board 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 under this section, and any sums received by the Secretary of State in pursuance of subsection (5) above shall be paid into that Fund.
- (7) The Secretary of State shall prepare in respect of each financial year an account of the sums issued to him in pursuance of subsection (6) above and the sums received by him in pursuance of subsection (5) above and of the disposal by him of those sums.
- (8) The Secretary of State shall send the account prepared under subsection (7) above to the Comptroller and Auditor General before the end of the month of November next following the end of the year to which the account relates.
- (9) The Comptroller and Auditor General shall examine, certify and report on the account so sent to him and shall lay copies of the account and of his report on it before each House of Parliament.
- (10) The Secretary of State shall not lend money to the Board under this section or give his consent or authority to the Board's borrowing money under this section or make any determination under subsection (5) above without the approval of the Treasury.

- (11) The Secretary of State shall prepare the account required by subsection (7) above in such manner and the account shall be in such form as the Treasury may direct.

10 Treasury guarantees

- (1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of and the payment of interest on any sums which the Board borrows from a person other than the Secretary of State.
- (2) Immediately after a guarantee is given under this section the Treasury shall lay a statement of the guarantee before each House of Parliament.
- (3) Where any sum is issued for fulfilling a guarantee given under this section 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 the 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.
- (4) Any sums required by the Treasury for fulfilling a guarantee given under this section shall be charged on and issued out of the Consolidated Fund.
- (5) If any sums are issued in fulfilment of a guarantee given under this section, the Board 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 rate as the Treasury so direct on what is outstanding for the time being in respect of sums so issued.
- (6) Any sums received by the Treasury in pursuance of subsection (5) above shall be paid into the Consolidated Fund.

11 Financing of the Board out of public money

- (1) The Secretary of State may pay to the Board such sums in respect of expenditure incurred or to be incurred by the Board for the purpose of meeting its obligations or discharging its functions as he may, with the consent of the Treasury, determine.
- (2) Any expenditure incurred or to be incurred by the Board in consequence of the transfer under section 3(2)(a) of this Act to the Board of the property, rights, liabilities and obligations of a development corporation is expenditure incurred or to be incurred for that purpose.

12 Limit on public money made available to the Board

- (1) The aggregate amount outstanding, otherwise than by way of interest, in respect of—
- (a) sums borrowed by the Board under section 9 of this Act;
 - (b) sums issued by the Treasury in fulfilment of guarantees under section 10 of this Act; and
 - (c) sums paid to the Board by the Secretary of State under section 11 of this Act;
- shall not exceed the limit specified in subsection (2) below.
- (2) The said limit is £25 million, but the Secretary of State may by order made with the consent of the Treasury raise the limit to £40 million.

- (3) No order shall be made under subsection (2) above unless a draft of the order has been laid before, and approved by a resolution of, the House of Commons.

13 Disposal of surplus funds of the Board

- (1) Where it appears to the Secretary of State, after consultation with the Board and the Treasury, that the Board has a surplus, whether on capital or on revenue account, after making allowance for sums set aside by way of transfer to reserve or otherwise for the Board's future requirements, the Board shall, if the Secretary of State so directs after consultation with the Board and the Treasury, pay to the Secretary of State such sums not exceeding the amount of that surplus as may be specified in the direction.
- (2) Any sums received by the Secretary of State in pursuance of subsection (1) above shall, subject to subsections (3) and (4) below, be paid into the Consolidated Fund.
- (3) The whole or part of any payments made to the Secretary of State by the Board in pursuance of subsection (1) above shall, if the Secretary of State with the approval of the Treasury so determines, be treated as made by way of repayment of so much of any money lent to the Board under section 9 of this Act by the Secretary of State, and as made in respect of repayments due at such times, as may be so determined.
- (4) Any sum treated under subsection (3) above as a repayment of money lent to the Board by the Secretary of State shall be paid by the Secretary of State into the National Loans Fund.

14 Accounts of the Board and other information

- (1) The Board shall—
- (a) keep proper accounts and proper records in relation to the accounts;
 - (b) prepare in respect of each accounting year of the Board a statement of accounts in such form as the Secretary of State may, with the approval of the Treasury, determine.
- (2) The statement of accounts prepared by the Board for each accounting year shall be submitted to the Secretary of State at such time as he may direct
- (3) The Secretary of State shall, on or before the 30th November in any year, send to the Comptroller and Auditor General the statement of accounts prepared by the Board under subsection (1) above for the accounting year last ended.
- (4) The Comptroller and Auditor General shall examine, certify and report on the statement of accounts sent to him under subsection (3) above and shall lay copies of the statement of accounts and of his report on them before each House of Parliament.
- (5) The Board shall provide the Secretary of State with such information relating to its activities or proposed activities as he may from time to time require.
- (6) The Board shall, for the purpose of providing such information, permit any person authorised in that behalf by the Secretary of State or the Comptroller and Auditor General to inspect and make copies of its accounts, books, documents or papers and shall afford to that person such explanation thereof as he may reasonably require.

15 Powers of entry

- (1) Any person duly authorised in writing by the Secretary of State or the Board may, at any reasonable time, enter upon land in order to survey it or estimate its value—
 - (a) for the purpose of determining whether and, if so, in what manner any of the functions of the Board or of the Secretary of State under this Act should be discharged in relation to that land ;
 - (b) in connection with any proposals for submission or any proposals submitted by the Board to the Secretary of State under section 3(1)(b) of this Act;
 - (c) where the Board has under consideration the purchase of the land or the carrying out on the land of any building or other operations or the provision of services for the land or is authorised to acquire it.
- (2) Any person duly authorised in writing by a local highway authority may, at any reasonable time, enter upon land in order to survey it or estimate its value where the local highway authority has under consideration the acquisition of the land under Part II of the new towns code or is authorised so to acquire it.
- (3) The power conferred by subsection (1) above includes power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals in it.
- (4) A person entering upon land by virtue of subsection (1) or (2) above may take with him such other persons as may be necessary.
- (5) A person authorised under subsection (1) or (2) above to enter upon land shall, if so required by the occupier or anyone acting on his behalf, produce evidence of his authority, and shall not demand admission as of right to any land which is occupied unless at least 5 days notice, or in the case of land occupied for residential purposes at least 14 days notice, of the intended entry has been given to the occupier.
- (6) A person shall not carry out any works authorised by subsection (1) above unless notice of his intention to do so has been included in the notice required by subsection (5) above, and if the land in question is held by statutory undertakers and those undertakers object to the proposed works on the ground that the carrying out of those works would be seriously detrimental to the carrying on of their statutory undertaking, the works shall not be carried out without the authority of the appropriate Minister.
- (7) It shall be the duty of a person exercising the power conferred by subsection (1) or (2) above—
 - (a) to take reasonable care to avoid damage to plant, machinery, equipment, livestock, crops or enclosures; and
 - (b) on leaving the land to secure it as effectively against unauthorised entry as he found it.
- (8) Where any land is damaged in the exercise of the power conferred by subsection (1) or (2) above, compensation in respect of that damage may be recovered by any person interested in the land from the Secretary of State, the Board or the local highway authority, as the case may be.
- (9) A person who wilfully obstructs a person acting in the exercise of the power conferred by subsection (1) or (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

16 Power of the Board to obtain information about land

- (1) If the Board is considering discharging any of its functions under this Act in relation to any land, it may, by notice served on the owner or occupier of that land, require him to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as a freeholder, mortgagee, lessee, or otherwise.
- (2) Any person who, having been required in pursuance of subsection (1) above to give any information, refuses or fails without reasonable cause to give that information shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (3) Any person who, having been so required to give any information, gives information which he knows to be false, shall be guilty of an offence and liable—
 - (a) on summary conviction, to a fine not exceeding £400, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.
- (4) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to, any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (5) Where the affairs of a body corporate are managed by its members, subsection (4) above shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

17 Disclosure to the Board of information about businesses in its area

- (1) Nothing in section 9 of the Statistics of Trade Act 1947 (restrictions on disclosure of information obtained under that Act) shall prevent or penalise the disclosure by the Secretary of State, the Manpower Services Commission, the Employment Service Agency or the Training Services Agency, to an officer of the Board of information obtained under that Act, consisting of—
 - (a) the name and address of any establishment,
 - (b) the numbers of persons of different descriptions employed there, and
 - (c) the nature of the activities carried on there.
- (2) Section 4 of the Employment and Training Act 1973 (obtaining and disclosure of information by the Commission and Agencies) shall accordingly have effect as if—
 - (a) in subsection (3)(e), after the word " 1972 " there were inserted the words " the Development Board for Rural Wales ";
 - (b) in subsection (5), after paragraph (e), there were inserted the following paragraph—
 - “(f) in the case of information given to an officer of the Development Board for Rural Wales, the purposes of functions conferred or imposed on that Board by the Development of Rural Wales Act 1976;”.

18 Housing subsidy

- (1) There shall be payable to the Board in accordance with Parts I and II of Schedule 5 to this Act a subsidy, consisting of three elements, in respect of housing provided by the Board in any part of the area for which the Board is responsible.
- (2) The three elements of the subsidy payable under this section (which correspond with elements in the housing subsidy payable to new town corporations under section 2 of the Housing Rents and Subsidies Act 1975) are—
 - (a) the basic element,
 - (b) the new capital costs element, and
 - (c) the high costs element.
- (3) The subsidy payable under this section shall be payable for the credit of the housing account kept by the Board.

19 Modified rent rebate subsidy

- (1) There shall be payable to the Board in accordance with this section and Part II of Schedule 5 to this Act a subsidy in respect of rebates from rent granted by the Board under a rebate scheme under section 18 of the Housing Finance Act 1972 (as extended to the Board by section 20 of this Act).
- (2) The amount of the subsidy for any financial year shall be equal to 75 per cent, of the Board's standard amount of rent rebates for that year.
- (3) The subsidy payable under this section shall be payable for the credit of the housing account kept by the Board.
- (4) In this section "standard amount of rent rebates" has the meaning given to it by section 20(8) of the Housing Finance Act 1972.

20 Rent rebates by the Board

- (1) This section has effect for the purpose of extending to the Board so much of Part II of the Housing Finance Act 1972 as requires a housing authority to operate a rent rebate scheme in accordance with that Part.
- (2) In section 18 of that Act (duty of housing authority to operate such a scheme), after subsection (1), there shall be inserted the following subsection—

“(1A) It shall be the duty of the Development Board for Rural Wales to bring into operation a scheme for granting to persons who occupy as their homes housing account dwellings let to them by the Board rebates from rent calculated in accordance with the provisions of the scheme by reference to their needs and their resources.”
- (3) The provisions of Part II of the Housing Finance Act 1972 specified in Part III of Schedule 5 to this Act shall be amended in accordance with that Part of that Schedule.

21 Financial assistance towards tenant's removal expenses

- (1) The Board shall, in the discharge of its functions of management under section 4(1) (a) of this Act, have power in every case where a tenant of one of the Board's housing

account dwellings moves to another dwelling (whether or not that dwelling is also a dwelling provided by the Board)—

- (a) to pay any expenses of the removal;
 - (b) subject to subsection (2) below, where the tenant is purchasing the dwelling, to pay any expenses incurred by him in connection with the purchase other than the purchase price.
- (2) Subsection (1)(b) above shall only apply in a case where a tenant of a housing account dwelling of the Board moves to another dwelling of the Board if that dwelling has never been let and was built expressly with a view to sale or for letting.
- (3) Without prejudice to section 2 of this Act, the Secretary of State may give directions to the Board as to the expenses which may be treated for the purposes of this section as incurred in connection with the purchase of a dwelling and limiting the amount which the Board may pay in respect of such expenses.
- (4) The Board may make the payment of expenses under this section subject to such conditions as it thinks fit.

22 Exclusion of dwellings from sections 18 to 21 and the rent rebate scheme

Where the Secretary of State is satisfied that it is inappropriate that any of the provisions of section 18, 19 or 21 of this Act or of Part II of the Housing Finance Act 1972 (as extended to the Board by section 20 of this Act) should apply in relation to a dwelling provided by the Board under this Act, he may direct that, for the purposes specified in the direction, it shall not be treated as a housing account dwelling of the Board.

Provisions about the Welsh Development Agency

23 Amendments of Welsh Development Agency Act 1975

- (1) The Welsh Development Agency Act 1975 shall be amended as provided in this section.
- (2) In section 2(1) (membership of the Agency), for the words " six nor more than eight" there shall be substituted the words " seven nor more than nine ".
- (3) In section 2, after subsection (1), there shall be inserted the following subsection—
- “(1A) One member of the Agency shall be the person who is chairman for the time being of the Development Board for Rural Wales.”;
- and in subsection (2) (appointment of members by Secretary of State), after the words " other members of the Agency ", there shall be inserted the words " (other than the chairman of the Development Board for Rural Wales) ";
- (4) In section 5 (Agency may discharge certain of their functions through agents), after subsection (1), there shall be inserted the following subsection—
- “(1A) The Agency may appoint the Development Board for Rural Wales to act as their agent to carry out the Agency's functions mentioned in section 1(3)(b) to (d) above.”

24 Transfer to the Board of industrial property of the Welsh Development Agency

- (1) This section applies to property of the following descriptions, that is to say, industrial sites, factories and land used for industrial purposes which—
 - (a) is or are situated within the area for which the Board is responsible, and
 - (b) at the day appointed for this section to come into operation, is or are vested in the Welsh Development Agency;and to all rights, obligations and liabilities arising out of the ownership or occupation of such property (in this section referred to as "related rights, obligations and liabilities").
- (2) The Secretary of State may from time to time by order under this section transfer from the "Welsh Development Agency to the Board on such date as may be specified in the order such property to which this section applies together with such related rights, obligations and liabilities of the Agency at that date as may be specified in the order.

*Provision for staff of the Council for Small Industries in Rural Areas***25 Provision for staff of the Council for Small Industries in Rural Areas**

- (1) Schedule 6 to this Act shall have effect in relation to staff employed by the Council for Small Industries in Rural Areas.
- (2) In that Schedule "the Council" means the Council referred to in subsection (1) above and "the Agency" means the Welsh Development Agency.

*Financial assistance to social bodies in Wales***26 Financial assistance to bodies contributing to the social development of Wales**

- (1) Subject to subsection (2) below, the Secretary of State may, with the approval of the Treasury, give financial assistance to any person (other than the Board) engaged in an activity in Wales which the Secretary of State considers will contribute to the social development of Wales or any part of Wales.
- (2) The Secretary of State shall not give financial assistance under this section to a person who carries on or intends to carry on an industrial undertaking.
- (3) The financial assistance may be by way of grant, loan or the giving of guarantees or by any combination of those means.
- (4) The conditions which may be attached to the giving of financial assistance under this section include conditions for repayment of the whole or any part of a grant in any circumstances.
- (5) Any sums repaid to the Secretary of State in pursuance of this section shall be paid by him into the Consolidated Fund.

Supplemental

27 Amendments of Acts

The enactments specified in Schedule 7 to this Act shall be amended in accordance with the provisions of that Schedule.

28 Service of notices

- (1) This section has effect in relation to any document required or authorised by or under this Act to be served on any person other than a document in relation to which provision as to service is made by the new towns code or the Acquisition of Land (Authorisation Procedure) Act 1946.
- (2) Any such document may be served on the person to be served either by delivering it to him, or by leaving it at his proper address, or by sending it by post.
- (3) Any such document required or authorised to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.
- (4) For the purposes of this section, and of section 26 of the Interpretation Act 1889 in its application to this section, the proper address of a person shall be—
 - (a) in the case of a secretary or clerk of a body corporate, that of the registered or principal office of that body;
 - (b) in the case of a partner of a firm, that of the principal office of the firm;
 - (c) in any other case, the last known address of the person to be served.

29 Regulations, orders and directions

- (1) The power to make regulations or orders under this Act (other than orders excepted from this provision by subsection (2) below) shall be exercisable by statutory instrument.
- (2) The orders excepted from subsection (1) above are compulsory purchase orders and orders under any provision of Schedule 3 to this Act.
- (3) A statutory instrument containing regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument containing an order under subsection (2) or (3) of section 1 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any power to make an order (other than a compulsory purchase order) under this Act includes a power, exercisable in the like manner and subject to the like conditions, to vary or revoke the order.
- (6) A direction under any provision of this Act may be—
 - (a) either general or limited to a particular case or class of cases, or
 - (b) unconditional or subject to conditions,and may be varied or revoked by a subsequent direction under that provision.

30 Crown land

The powers conferred by this Act shall be exercisable, with the consent of the appropriate authority, in relation to Crown land, but none of the provisions of this Act shall be construed as prejudicing any Crown interest or Duchy interest in Crown land; and expressions used in this section and section 266(7) of the Town and County Planning Act 1971 have the same meaning in this section as in that subsection.

31 Exemption from development land tax

In section 11 of the Development Land Tax Act 1976 (which exempts certain bodies from that tax) there shall be added at the end of subsection (2) the following paragraph preceded by the word " and " —

“(i) the Development Board for Rural Wales”;
and the word " and " at the end of paragraph (g) shall be omitted.

32 Exemption from stamp duty

Stamp duty shall not be payable on an order under section 3(2)(a) or section 24 of this Act or on an order under paragraph 52 of Schedule 3 to this Act.

33 Expenses

There shall be paid out of money provided by Parliament—

- (a) any subsidy under this Act,
- (b) any grants or loans made or other sums paid by the Secretary of State under this Act,
- (c) any expenses of any Minister under this Act, and
- (d) any increase in the sums payable out of money provided by Parliament under any other Act which is attributable to this Act.

34 Interpretation

(1) In this Act, except where the context otherwise requires—

" accounting year ", in relation to the Board, means the period of twelve months ending with the 31st March in any year, except that the Board's first accounting year shall begin with the day on which the Board is incorporated by virtue of this Act and end on 31st March 1978;

" acquired under the new towns code ", and cognate expressions, have the meanings given by paragraph 56 of Schedule 3 to this Act;

" appropriate Minister " has the meaning given by paragraph 56 of Schedule 3 to this Act;

" development ", in relation to a new town, includes laying out and redevelopment;

" farming " includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur or the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and " agricultural " and " agricultural operations " shall be construed accordingly ;

" housing account dwelling ", in relation to the Board, means a dwelling which is within the Board's housing account but excluding a dwelling for the time being let on a long tenancy at a low rent within the meaning of the Leasehold Reform Act 1967 and a dwelling no longer owned by the Board ;

" industrial " is to be taken as including a reference to any description of commercial activity;

" land " includes any estate or interest in or right over land ;

" local authority " means the council of a county, of a district or of a community and includes any joint board or joint committee if all the constituent authorities are local authorities;

" local highway authority " means a highway authority other than the Secretary of State ;

" new town " and " area of a new town " have the same meanings as in the New Towns Act 1965 ;

" the new towns code " has the meaning given by section 5(2) of this Act;

" operational land ", in relation to statutory undertakers, means—

- (a) land which is used for the purpose of carrying on their undertaking, and
- (b) land in which an interest is held for that purpose,

not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings;

" statutory undertakers " means—

- (a) persons authorised by virtue of 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 electricity, gas, hydraulic power or water, and
- (b) the British Airports Authority, the Civil Aviation Authority, the National Coal Board, the Post Office, the United Kingdom Atomic Energy Authority;

and ' statutory undertaking ' shall be construed accordingly.

- (2) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.

35 Citation, commencement and extent

- (1) This Act may be cited as the Development of Rural Wales Act 1976.
- (2) This Act (except this section) shall come into operation on such day as the Secretary of State may by order appoint and different days may be appointed under this subsection for different provisions of this Act.
- (3) With the exception of paragraph 8 of Schedule 1, this Act does not extend to Northern Ireland.

Status: This is the original version (as it was originally enacted).

SCHEDULES

SCHEDULE 1

Section 1(7).

THE DEVELOPMENT BOARD FOR RURAL WALES

Incorporation and status

- 1 As from the day appointed for section 1 of this Act to come into operation the Board shall be a body corporate.
- 2 (1) The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity, or privilege of the Crown and the Board's property is not to be regarded as the property of, or property held on behalf of, the Crown.
- (2) Except as provided by section 31 and section 32 of this Act, the Board shall not be exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local.

Appointment and tenure of members

- 3 (1) The Board shall consist of such number of members, not less than 11 and not exceeding 13, as the Secretary of State may from time to time determine.
- (2) The members shall be appointed by the Secretary of State, who may appoint one of them to be chairman of the Board and another to be deputy chairman.
- (3) Five offices as members of the Board shall be held by members appointed by the Secretary of State after consulting—
- (a) the council of each county and of each district any part of whose area is included in the area for which the Board is responsible; and
- (b) such organisations as appear to him to be representative of local authorities in Wales.
- 4 It shall be the duty of the Secretary of State—
- (a) to satisfy himself, before he appoints a person to be a member of the Board, or gives his approval under paragraph 18 below to the appointment of a person to be a member of a committee of the Board, that he will have no such financial or other interest as is likely to affect prejudicially the discharge of his functions as a member ; and
- (b) to satisfy himself from time to time with respect to each member that he has no such interest;

and a person who is a member of the Board or of such a committee shall, whenever required by the Secretary of State to do so, furnish the Secretary of State with such information as he may specify with a view to carrying out his duty under this paragraph.

Status: This is the original version (as it was originally enacted).

- 5 (1) Subject to the provisions of this paragraph, the chairman, deputy chairman and other members of the Board shall hold and vacate office in accordance with the terms of their instruments of appointment.
- (2) A member may at any time resign his office as member or as chairman or deputy chairman of the Board by giving the Secretary of State written notice of his intention to resign.
- (3) If the Secretary of State is satisfied that a member of the Board—
- (a) has been absent from meetings of the Board for a period longer than three consecutive months without the permission of the Board, or
 - (b) has become bankrupt or made an arrangement with his creditors, or
 - (c) is incapacitated by physical or mental illness, or
 - (d) is otherwise unable or unfit to discharge the functions of a member,
- the Secretary of State may declare his office as a member of the Board vacant.
- 6 If the chairman or deputy chairman ceases to be a member, he shall cease to be the chairman or deputy chairman.
- 7 A person who ceases to be a member shall be eligible for reappointment as member or as chairman or deputy chairman, as the case may be.

Disqualification of members

- 8 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) there shall be inserted in the appropriate place in alphabetical order the entry:
- “The Development Board for Rural Wales”.

Staff

- 9 (1) The Board shall, with the approval of the Secretary of State, appoint a chief executive of the Board but shall not appoint the first chief executive.
- (2) The first chief executive of the Board shall be appointed by the Secretary of State after consultation with the chairman or chairman-designate of the Board.
- 10 Subject to paragraph 9 above, the staff of the Board shall be appointed by the Board, with the consent as to numbers of the Secretary of State; and the Secretary of State shall not give his consent without the approval of the Minister for the Civil Service.

Remuneration

- 11 The Board shall pay to each of its members and to each member of its staff or of any of its committees such remuneration and such reasonable allowances in respect of expenses as the Secretary of State may determine with the approval of the Minister for the Civil Service.
- 12 The Board shall make such provision as may be determined by the Secretary of State with the approval of the Minister for the Civil Service for the payment of pensions, allowances or gratuities (including refunds of contributions to any pension fund with or without interest or other additions) to or in respect of such members or past members of the Board as may be determined with that Minister's approval.

Status: This is the original version (as it was originally enacted).

- 13 Where a person ceases to be a member of the Board 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 that person to receive compensation, the Secretary of State, with the approval of the Minister for the Civil Service, may direct the Board to make to that person a payment of such amount as the Secretary of State may determine with that Minister's approval.
- 14 The Board may, in the case of such of its employees as may be determined by the Secretary of State with the consent of the Minister for the Civil Service—
- (a) pay such pensions, allowances or gratuities to or in respect of them, or
 - (b) make such payments towards the provision of such pensions, allowances or gratuities (including refunds of contributions to any pension fund with or without interest or other additions), or
 - (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities,
- as may be determined by the Secretary of State with that Minister's approval.
- 15 Where an employee of the Board who is a participant in a scheme for the payment of pensions, allowances or gratuities which is applicable to employees of the Board becomes a member of the Board, his service as a member may be treated for the purposes of the scheme as service as an employee of the Board, whether or not provision for or in respect of him is made under paragraph 12 above.
- 16 Except so far as the Board is satisfied that adequate machinery exists for the purpose, it shall be the duty of the Board to seek consultation with any organisation appearing to the Board to be appropriate with a view to the conclusion between the Board and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for the settlement by negotiation of terms and conditions of employment of employees of the Board, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements.

Conduct of the Board's affairs

- 17 Every report made to the Secretary of State under section 3(1)(e) of this Act shall set out—
- (a) any directions given to the Board under section 2 of this Act;
 - (b) a summary of any proposals submitted to him under section 3(1)(b) of this Act.
- 18 If the Board establishes committees to discharge or assist it in discharging any of its functions, the Board may, with the approval of the Secretary of State, appoint persons who are not members of the Board to be members of committees so established.
- 19 Subject to any direction given to the Board under section 2 of this Act, the quorum of the Board and of the Board's committees and the arrangements relating to meetings of the Board and of such committees shall be such as the Board may determine.
- 20 (1) A member of the Board or of any committee established by the Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board, or in any other matter whatsoever which falls to be considered by the Board or by the committee, shall disclose the nature of his interest at a meeting of the Board or the committee and the disclosure shall be recorded in the minutes of the meeting.

Status: This is the original version (as it was originally enacted).

- (2) The member shall not—
- (a) where a contract is under consideration, take part in the deliberations on or decision about the contract; and
 - (b) where any other matter is under consideration, take part in the deliberations on or decision about the matter if the Board or the committee decide that the interest of the member might prejudicially affect the member's consideration of the matter.
- (3) For the purposes of this paragraph, a notice given by a member at a meeting of the Board or a committee to the effect that he is a member of a specified body corporate or firm and is to be regarded as interested in any contract which is made with the body corporate or firm after the date of the notice, and in any other matter whatsoever concerning the body corporate or firm which falls to be considered after that date, shall be a sufficient disclosure of his interest.
- (4) A member need not attend in person at a meeting of the Board or committee in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that that disclosure is made by a notice which is taken into consideration and read at such a meeting.
- 21 The validity of proceedings of the Board or a committee shall not be affected by a vacancy among the members or by a defect in the appointment of a member or by a failure to comply with the requirements of paragraph 20 above.
- 22 A person dealing with the Board, or with a person claiming under the Board, shall not be concerned to inquire—
- (a) whether any directions have been given to the Board under this Act or whether any directions so given have been complied with ; or
 - (b) whether the approval or consent of the Secretary of State or the Minister for the Civil Service required for any of the purposes of this Act has been given, or whether any condition subject to which any such approval or consent was given has been complied with ;
- and, in favour of such a person, the validity of anything done by the Board shall not be affected by anything contained in any such direction, approval or consent or by reason that any such direction, approval or consent has not been given.

Documents

- 23 The seal of the Board shall be authenticated by the signature of the secretary or such other person as is authorised by the Board to authenticate its seal.
- 24 A certificate signed by the chief executive that any instrument purporting to be made or issued by or on behalf of the Board was so made or issued shall be conclusive evidence of that fact.
- 25 Every document purporting—
- (a) to be an instrument made or issued by or on behalf of the Board and to be sealed with the seal of the Board authenticated in the manner provided by paragraph 23 above, or to be signed or executed by the secretary or a person authorised by the Board to sign or execute its documents; or
 - (b) to be such a certificate as is mentioned in paragraph 24 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.

Status: This is the original version (as it was originally enacted).

SCHEDULE 2

Section 3(4).

MEMBERS OF STAFF OF DISSOLVED DEVELOPMENT CORPORATIONS

Terms of employment of transferred staff

- 1 In the case of any person to be employed by the Board on and after the coming into operation of an order under section 3(2)(a) of this Act, who immediately before that date was employed by the development corporation dissolved by the order, the Board shall ensure that—
- (a) so long as he continues in the employment of the Board and until he is served with a statement in writing specifying new terms and conditions of employment, each such person enjoys terms and conditions of employment not less favourable, taken as a whole, than those which he enjoyed as a member of the development corporation's staff immediately before joining the Board's staff; and
 - (b) the said new terms and conditions are such that, so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before he joined the Board's staff, the terms and conditions of his employment, taken as a whole, are not less favourable than those which he then enjoyed.

Compensation for members or staff of development corporations

- 2 The Secretary of State may pay to any person who was a member of the development corporation immediately before the coming into operation of an order under section 3(2)(a) of this Act and who is not appointed a member of the Board such sums by way of compensation for loss of office as he may, with the consent of the Minister for the Civil Service, determine.
- 3 The Secretary of State shall by regulations require the Board to pay, in such cases and to such extent as may be determined by or under the regulations, compensation to or in respect of persons hitherto employed by the development corporation who suffer loss of employment or loss or diminution of emoluments or pension rights in consequence of the dissolution of the development corporation by an order under section 3(2)(a) of this Act.
- 4 Different regulations may be made under paragraph 3 above in relation to different classes of persons, and any such regulations may be so framed as to have effect as from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision therein is to have effect as from a date earlier than the making thereof shall not place any person other than the Board in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.
- 5 Regulations under paragraph 3 above—
- (a) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined, and
 - (b) may apply, with or without modifications, the provisions of any other rules or regulations relating to similar matters.

Continuity of employment

- 6 For the purposes of—
- (a) the Redundancy Payments Act 1965 ;
 - (b) the Contracts of Employment Act 1972 ; and
 - (c) the Trade Union and Labour Relations Act 1974,
- there shall be deemed to have been no break in the employment of any person who is transferred to the employment of the Board from the employment of a development corporation dissolved by an order under section 3(2)(a) of this Act.

SCHEDULE 3

Section 5(1).

THE NEW TOWNS CODE

PART I

PLANNING CONTROL

- 1 (1) Where proposals submitted by the Board under section 3(1)(b) of this Act include proposals relating to the development of land within the area of a new town, the Secretary of State shall, before approving the proposals (with or without modifications) consult the local planning authority within whose area the land is situated.
- (2) Without prejudice to the generality of the powers conferred by section 24 of the Town and Country Planning Act 1971, a special development order made by the Secretary of State under that section with respect to the area of a new town situated within the area for which the Board is responsible may grant permission for any development of land in accordance with proposals approved under section 3(7) of this Act in accordance with sub-paragraph (1) above, subject to such conditions, if any (including conditions requiring details of any proposed development to be submitted to the local planning authority), as may be specified in the order.
- (3) It shall be the duty of the Secretary of State to give to the Board under section 1 of this Act such directions with respect to the disposal of land acquired by the Board under the new towns code or by agreement under this Act where the land could have been or have been required to be acquired under the new towns code and with respect to the development by the Board 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 section 54(1) of the Town and Country Planning Act 1971.
- (4) In the case of land which forms a frontage to a road, or abuts on or is adjacent to a road, which—
- (a) is situated within the area of a new town, or
 - (b) was constructed or improved to serve a new town, or
 - (c) was constructed or improved to supersede a trunk road in connection with the development of the area of a new town,

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a local highway authority or the Secretary of State may enter into an agreement with any owner of the land imposing on the land so far as that owner's interest in the land enables him to bind it, restrictions for controlling the development of the land.

- (5) Any restrictions imposed by an agreement under sub-paragraph (4) above may be enforced by the local highway authority or the Secretary of State, as the case may be, against the owner and any person deriving title under him in the like manner and to the like extent as if that authority or the Secretary of State were possessed of, or interested in, adjacent land and as if the agreement had been entered into for the benefit of such land.
- (6) References in this paragraph to the local planning authority shall be construed as references to the district planning authority and also, in relation to proposals for any development which is a county matter (as defined in paragraph 32 of Schedule 16 to the Local Government Act 1972) as references to the county planning authority.

PART II

ACQUISITION OF LAND FOR ROADS BY LOCAL HIGHWAY AUTHORITY OR THE SECRETARY OF STATE

- 2 (1) Where the Secretary of State is satisfied that the construction or improvement of a road is needed—
- (a) outside the area of a new town situated within the area for which the Board is responsible, for the purpose of securing the development of land in the area of that new town in accordance with proposals approved by the Secretary of State under section 3(7) of this Act, or
 - (b) for the purpose of providing proper means of access to such an area,
- a local highway authority may be authorised, by means of a compulsory purchase order under this sub-paragraph made by the authority and submitted to and confirmed by the Secretary of State in accordance with Part III of the new towns code, to acquire compulsorily any land as to which the Secretary of State is satisfied that its acquisition by the authority is requisite—
- (i) for the construction or improvement of the road, or
 - (ii) for carrying out the improvement or controlling the development of frontages to the road or of lands abutting on or adjacent to the road.
- (2) Where the Secretary of State is satisfied that the construction or improvement of a road is needed to supersede a part of a trunk road whose supersession appears to him to be expedient for any such purpose as is mentioned in sub-paragraph (1)(a) or (b) above, the Secretary of State may be authorised by means of a compulsory purchase order under this sub-paragraph made by him in accordance with Part III of the new towns code to acquire compulsorily any land as to which he is satisfied that its acquisition by him 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 lands abutting on or adjacent to the road.
- (3) Where an acquiring authority has been authorised under sub-paragraph (1) or (2) of this paragraph to acquire compulsorily land forming part of a common, open space or fuel or field garden allotment, it may be authorised under that sub-paragraph to acquire compulsorily land for giving in exchange for the land acquired.

Status: This is the original version (as it was originally enacted).

- (4) A local highway authority may, with the consent of the Secretary of State, acquire by agreement any land which they could be authorised under sub-paragraph (1) above to acquire compulsorily.

PART III

PROCEDURE ON COMPULSORY ACQUISITION

Acquisitions by the Board or a local highway authority

- 3 (1) Where land is to be acquired by means of a compulsory purchase order made, submitted and confirmed in accordance with this Part of the new towns code by the Board or a local highway authority, the order—
- (a) shall designate the land to which it relates by reference to a map or maps annexed thereto, either with or without descriptive matter, and
 - (b) subject to that, shall be in such form as may be prescribed.
- (2) In the case of any discrepancy between the map or maps and any such descriptive matter, the descriptive matter shall prevail except in so far as may be otherwise provided by the order.
- 4 (1) After submitting the order to the Secretary of State, the acquiring authority—
- (a) shall publish a notice in the prescribed form describing the land, stating that an order authorising the compulsory acquisition thereof has been submitted to the Secretary of State, naming a place where a copy of the order and of the map or maps and any descriptive matter annexed thereto may be seen at any reasonable hour, and specifying the time (not being less than 28 days from the first local advertisement) within which, and the manner in which, objections to the order may be made ; and
 - (b) if the Secretary of State so directs in the case of the order in question, shall serve on every owner of any of the land to which the order relates a notice to the like effect as the notice required to be published under (a) above:

Provided that (b) above shall not apply if the order relates only to land within the area of a new town.

- (2) The notice required to be published by sub-paragraph (1)(a) above shall be published—
- (a) in the case of such an order as is described in the proviso to sub-paragraph (1) above, and in any other case where service on owners is not effected under (b) of that sub-paragraph, by publishing it in the London Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land to which the order relates is situated, and by affixing a copy of the notice, addressed to " the owners and any occupiers " of the land (describing it), to some conspicuous object or objects on the land ;
 - (b) where service on owners is effected under (b) of sub-paragraph (1) above, by publishing it in one or more newspapers circulating as aforesaid.
- (3) Publication and, if applicable, service in accordance with the foregoing provisions of this paragraph shall be effected—
- (a) in the case of an order relating only to land within the area of a new town, as soon as may be after the order has been submitted;

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- (b) in any other case, as soon as may be after the, order has been submitted and any direction of the Secretary of State as to service on owners under sub-paragraph (1)(b) above has been given or the Secretary of State has notified the Board or the local highway authority that he does not propose to give such a direction.
- (4) In this paragraph "the first local advertisement", in relation to a notice, means the first publication of the notice in a newspaper circulating in the locality where the land to which the notice relates is situated, and includes, in relation to a notice so published once only, the publication thereof.
- 5 Subject to the provisions of paragraph 6 below in any case in which those provisions have effect, the Secretary of State may confirm the order with or without modification, but shall not, unless all persons interested consent, so modify it as to extend it to any land which was not designated by the order as submitted.
- 6 (1) If any objection is duly made to the order and is not withdrawn, the following provisions of this paragraph shall have effect.
- For the purposes of this Part of the new towns code an objection 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 paragraph 4 above, and
- (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.
- (2) Unless the Secretary of State decides apart from the objection not to confirm 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, 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 any such further statement, is satisfied—
- (a) that the objection relates to a matter which can be dealt with in the assessment of compensation, or
- (b) in the case of an order relating to land within the area of a new town, that the objection is made on the ground that the acquisition is unnecessary or inexpedient,
- 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 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 person making the objection avails himself of that opportunity, the Secretary of State shall afford an opportunity of appearing and being heard on the same occasion

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to the Board or the local highway authority and to any other persons to whom it appears to the Secretary of State to be expedient to afford it.

- (6) Notwithstanding anything in the foregoing 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 inquiry to be held, any of the requirements of those provisions to which effect has not been given at the time when he so determines shall be dispensed with.
- (7) In this paragraph any reference to making a final decision, in relation to an order, is a reference to deciding whether to confirm the order or what modification, if any, ought to be made.
- 7 As soon as may be after the order has been confirmed the acquiring authority shall publish in one or more newspapers circulating in the locality in which the land thereby designated is situated a notice in the prescribed form describing the land, stating that the order has been confirmed and naming a place where a copy of the order and of the map or maps and any descriptive matter annexed thereto may be seen at any reasonable hour, and shall serve a like notice on—
- (a) any owner or occupier of any of the land thereby designated who, at any time after the publication of the notice of the order as submitted, has sent to the acquiring authority a request in writing to serve him with the notice required by this paragraph giving an address for service and the prescribed particulars of his interest;
 - (b) any person who has duly made an objection to the order and at the time of making it or thereafter has sent to the acquiring authority such a request as aforesaid ; and
 - (c) such other persons, if any, as the Secretary of State may specify, whether individually or as members of a class of persons.
- 8 The Secretary of State may by regulations make provision for enabling proceedings required to be taken for the purposes of the foregoing provisions of this Part of the new towns code in relation to an order authorising a compulsory acquisition of land in an area proposed to be designated as the site of a new town by an order a draft of which has been published in accordance with Schedule 1 to the New Towns Act 1965, to be taken, so far as may be practicable, contemporaneously with the proceedings on the last-mentioned order.

Special provisions as to acquisitions by local highway authorities

- 9 (1) Except in a case falling within sub-paragraph (2) below, where a compulsory purchase order made by the local highway authority under Part II of the new towns code is submitted to the Secretary of State, the notice required to be published under paragraph 4 above shall be published not only as mentioned in that paragraph but also by being exhibited at such places in the locality to which the order relates as appear to the local highway authority to be suitable for bringing it to the attention of all persons concerned.
- (2) Sub-paragraph (1) above shall not apply in any case where the Secretary of State is satisfied that the land to which the compulsory purchase order relates is required for the purpose of a project—
- (a) which was adequately set out in a statement prepared for the purposes of an order under section 1 of the New Towns Act 1965 which has been made, or

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- (b) which has been the subject of an inquiry for the purposes of section 7 or 9 of the Highways Act 1959.

10 Where there is submitted to the Secretary of State a compulsory purchase order made by the local highway authority under Part II of the new towns code authorising the acquisition of any land forming a frontage to, or abutting on or adjacent to, a road, and the Secretary of State is satisfied as respects the whole or any part of the land—

- (a) that the acquisition would be requisite only for the purpose of controlling development, and
- (b) that every owner has entered, or is willing to enter, into such an agreement with the local highway authority or the Secretary of State as is provided for by paragraph 1(4) of this Schedule, or is bound by such an agreement, and that the agreement or proposed agreement is satisfactory for the said purpose. the order shall not be confirmed so as to authorise the acquisition of any part of the land as to which the Secretary of State is satisfied as aforesaid.

Acquisitions for roads by the Secretary of State

11 (1) Where land is to be acquired by means of a compulsory purchase order made by the Secretary of State in accordance with this Part of the new towns code, the order—

- (a) shall designate the land to which it relates by reference to a map or maps annexed thereto, either with or without descriptive matter, and
- (b) subject to that, shall be in such form as the Secretary of State may determine.

(2) In the case of any discrepancy between the map or maps and any such descriptive matter, the descriptive matter shall prevail except in so far as may be otherwise provided by the order.

12 Where the Secretary of State proposes to make such an order, he shall prepare a draft thereof, and as soon as may be thereafter shall—

- (a) publish in the manner mentioned in paragraph 4 above, and
- (b) in any case in which he thinks it requisite to do so, serve on every owner of any of the land to which the order as prepared in draft relates,

a notice, in such form as he may determine, similar, with requisite adaptations, to the notice mentioned in paragraph 4(1) above.

13 Paragraphs 5, 6, 7, 9 and 10 above shall have effect in relation to such an order—

- (a) with the substitution, for references to the Board and to the local highway authority, of references to the Secretary of State;
- (b) with the substitution, for references to an order as submitted and to confirmation of an order, of references respectively to an order as prepared in draft and to the making of an order;
- (c) with the omission, in paragraph 6(5), of the references to the Board and the local highway authority ;
- (d) with the substitution, for the references to a compulsory purchase order made by the local highway authority and to the notice required by paragraph 4 above, of references respectively to a compulsory purchase order made by the Secretary of State and to the notice required by paragraph 12 above; and

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- (e) with the substitution, in paragraph 10, of the words " the Secretary of State proposes to make " for the words " there is submitted to the Secretary of State ".

Special provisions as to local authority and National Trust land and commons and allotments

- 14 In so far as a compulsory purchase order made under the new towns code authorises the acquisition of land which is the property of a local authority, or of land belonging to the National Trust which is held by the Trust inalienably, the order shall be subject to special parliamentary procedure in any case where an objection to the order has been duly made by the local authority or the National Trust, as the case may be, and has not been withdrawn.
- 15 (1) In so far as a compulsory purchase order made under the new towns code authorises the acquisition of land forming part of any common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—
- (a) that there has been or will be given in exchange for such land other land, not being less in area, and being equally advantageous to the persons (if any) entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land acquired was vested, and subject to the like rights, trusts and incidents as attached to the land acquired; or
 - (b) that the land is required for the widening of any existing highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,
- and certifies accordingly.
- (2) Where it is proposed to give a certificate under this paragraph, the Secretary of State shall give public notice of his intention so to do, and—
- (a) after affording an opportunity to all persons interested to make representations and objections in relation thereto, and
 - (b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,
- the Secretary of State may, after considering any representations and objections made and, if an inquiry has been held, the report of the person who made the inquiry, give the certificate.
- (3) A compulsory purchase order may provide for vesting land given in exchange as mentioned in sub-paragraph (1) above in the persons, and subject to the rights, trusts and incidents therein mentioned, and for discharging the land acquired from all rights, trusts and incidents to which it was previously subject.
- (4) As soon as may be after the giving of a certificate under this paragraph the acquiring authority shall publish in the London Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land designated by the order is situated, a notice in the prescribed form stating that the certificate has been given.

Alternative procedure for acquiring operational land of statutory undertakers

- 16 (1) In the case of operational land of statutory undertakers—
- (a) a compulsory purchase order under the new towns code authorising the Board or a local highway authority to acquire that land may, instead of being made and confirmed in accordance with the foregoing provisions of this Part of the new towns code, be made by the Secretary of State and the appropriate Minister in accordance with the provisions of paragraphs 17 to 21 below on the application of the Board or local highway authority ;
 - (b) a compulsory purchase order under Part II of the new towns code authorising the Secretary of State to acquire that land may, instead of being made in accordance with the foregoing provisions of this Part of the new towns code, be made by the Secretary of State and the appropriate Minister in accordance with the provisions of paragraphs 22 to 24 below.
- (2) If any objection to an application for a compulsory purchase order to be made in accordance with sub-paragraph (1)(a) above, or to a proposal to make such an order in accordance with sub-paragraph (1)(b) above, is duly made by any statutory undertakers, and any of the land to which the application or proposal relates is operational land of those undertakers, then, unless that objection is withdrawn, any order made on the application or proposal shall be subject to special parliamentary procedure.
- (3) Where a compulsory purchase order under the new towns code, (not being an order made in accordance with paragraphs 17 to 21 or 22 to 24 below), is submitted, or is proposed to be made, in accordance with the foregoing provisions of this Part of the new towns code, and with respect to any land (being the whole or part of the land to which the order relates) statutory undertakers make to the appropriate Minister, in the prescribed manner and within the time within which objections to the order may be made—
- (a) a representation that the first mentioned land is operational land, and
 - (b) a request for that land to be excluded from the order,
- and it is determined that that land is operational land, then, subject to sub-paragraph (4) below—
- (i) if that land constitutes the whole of the land to which the order relates, the order shall not be confirmed or not be made, as the case may be, and
 - (ii) if that land forms part only of the land to which the order relates, the order shall be modified so as to exclude that land.
- (4) Where, in the case of a compulsory purchase order under the new towns code, any land to which the order relates is within the area of a new town and is land in relation to which, apart from this sub-paragraph, sub-paragraph (3) above would apply, the said sub-paragraph (3) shall not apply in relation to that land—
- (a) if no representation was made under subsection (4) of section 10 of the New Towns Act 1965 with respect thereto, or ,
 - (b) if an order under subsection (5) of that section has come into force with respect thereto.
- 17 An application by the Board or local highway authority for the purpose of paragraph 16(1)(a) above shall be in such form as may be prescribed, and shall describe by reference to a map the land to which the application relates.
- 18 As soon as may be after submitting the application to the Secretary of State and the appropriate Minister the acquiring authority shall serve on every owner, lessee

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and occupier of any land to which application relates a notice in the prescribed form describing the land, stating that an application under the said paragraph 16(1) (a) has been submitted in relation to the land and is about to be considered by the Secretary of State and the appropriate Minister, naming a place where a copy of the application and of the map referred to therein may be seen at all reasonable hours, and specifying the time (not being less than twenty-eight days from the service of the notice) within which, and the manner in which, objections to the application may be made.

- 19 (1) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Secretary of State and the appropriate Minister may, if they think fit, make a compulsory purchase order in accordance with the application, with or without modification, but shall not, unless all persons interested consent, make the order with any modification which would extend it to any land to which the application did not relate.
- (2) If any objection is duly made by any of the persons on whom notices are required to be served and is not withdrawn, the Secretary of State and the appropriate Minister shall, before making an order on the application, consider the objection and shall, if either the person by whom the objection was made or the acquiring authority so desires, afford that person and the acquiring 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 an order as aforesaid.
- (3) An objection shall not be deemed for the purposes of paragraphs 16 to 18 above and this paragraph to be duly made unless—
- (a) it is made within the time and in the manner specified in the notice in that behalf, and
 - (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.
- 20 A compulsory purchase order made on such an application shall be in such form as the Secretary of State and the appropriate Minister may determine, and shall describe by reference to a map the land to which the order relates.
- 21 As soon as may be after a compulsory purchase order has been made on such an application the acquiring authority shall serve on every owner, lessee and occupier of any land to which the order relates a notice in the prescribed form stating that the order has been made and naming a place where a copy of the order and of the map referred to therein may be seen at any reasonable hour.
- 22 A compulsory purchase order made by the Secretary of State and the appropriate Minister in pursuance of paragraph 16(1)(b) of this Schedule shall be in such form as they may determine, and shall describe by reference to a map the land to which the order relates.
- 23 Where the Secretary of State and the appropriate Minister propose to make such an order they shall prepare a draft thereof, and shall as soon as may be thereafter serve on every owner, lessee and occupier of any land to which the draft relates a notice in such form as they may determine describing the land, stating that the making of the order is proposed, naming a place where a copy of the draft and of the map referred to therein may be seen at any reasonable hour, and specifying the time (not being less than twenty-eight days from the service of the notice) within which, and the manner in which, objection to the proposal may be made.

- 24 Paragraphs 19 and 21 of this Schedule shall have effect in relation to such an order—
- (a) with the substitution, for references to an application and to the making of a compulsory purchase order thereon, of references to such an order as prepared in draft and to the making of such an order, and
 - (b) with the omission of the references in paragraph 19(2) to the acquiring authority.

Validity and date of operation of compulsory purchase orders and certificates

- 25 (1) If a person aggrieved by a compulsory purchase order, or by a certificate under paragraph 15 above, desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers conferred by the new towns code or that any requirement of that code or of any regulation made thereunder has not been complied with in relation to the order or certificate, he may, within six weeks from the date on which notice of the confirmation or making of the order or of the giving of the certificate is first published in accordance with the foregoing provisions of this Part of the new towns code in that behalf, make an application to the High Court.
- (2) The High Court, on such an application—
- (a) may by interim order suspend the operation of the order or any provision contained therein or of the certificate, either generally or in so far as it affects the property of the applicant, until the final determination of the proceedings; and
 - (b) if satisfied that the order or any provision contained therein, or the certificate, is not within the powers conferred by the new towns code or that the interests of the applicant have been substantially prejudiced by any requirement of that code or of any regulation made thereunder not having been complied with, may quash the order or any provision contained therein, or the certificate, either generally or in so far as it affects any property of the applicant.
- 26 Subject to the provisions of paragraph 25 above, a compulsory purchase order or a certificate under paragraph 15 above shall not, either before or after it has been made or confirmed or given, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which notice is first published as mentioned in the said paragraph 25.
- 27 Paragraphs 25 and 26 of this Schedule shall not apply to an order which is confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945 but, except as aforesaid, shall have effect in relation to a compulsory purchase order to which that Act applies as if in paragraph 25 for the reference to the date on which notice of the confirmation or making of the order is first published in accordance with the provisions of this Part of the new towns code in that behalf there were substituted a reference to the date on which the order becomes operative under the said Act of 1945, and as if in paragraph 26 the words from " and shall become operative " to the end were omitted.
- 28 Paragraphs 25 to 27 above shall, in their application to a compulsory purchase order made in pursuance of paragraph 16(1) above, have effect with the substitution, for the references to the date on which notice of the confirmation or making of the order is first published in accordance with the provisions of this Part of the new towns code in that behalf, of references to the date on which the service of notices required by paragraph 21 above is completed.

Registration as local land charge

- 29 A compulsory purchase order made under the new towns code shall, when operative, be a local land charge.

PART IV

ACQUISITION OF LAND : SUPPLEMENTARY PROVISIONS

Modifications of Land Compensation Act 1961

- 30 (1) The Land Compensation Act 1961 shall, in its application to the acquisition of land under the new towns code, have effect subject to any adaptations necessary to make it apply to such an acquisition and subject to the following provisions of this paragraph.
- (2) The Lands Tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, work done or improvement or alteration made, whether on the land acquired or any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the Lands Tribunal is satisfied that the creation of the interest, the erection of the building, the doing of the work, the making of the improvement or the alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.
- (3) The provisions of Part II of Schedule 1 shall not have effect with regard to paragraph 3 and (so far as applicable) 3 A of Part I of that Schedule (disregard of value of certain development in new town areas) where the development corporation established for the purposes of a new town ceases to act on being dissolved by an order under section 3(2)(a) of this Act.
- (4) The provisions of paragraph 2 of Schedule 2 (special basis for compensation for compulsory acquisition of houses unfit for human habitation) shall apply in relation to an acquisition of land under the new towns code by an acquiring authority as they apply to an acquisition of land under the New Towns Act 1965 by the corporation, authority or Minister mentioned in sub-paragraph (1)(e) thereof.

Modifications of Compulsory Purchase Act 1965

- 31 (1) The provisions of sub-paragraphs (2) and (3) below have effect, in relation to an acquisition of land under the new towns code, instead of section 11(1) of the Compulsory Purchase Act 1965.
- (2) If the acquiring authority has, in respect of any of the land, served notice to treat on every owner of that land, it may at any time thereafter serve a notice—
- (a) on every occupier of any of that land, and
 - (b) on every person other than such an occupier who, having been served with a notice to treat in respect of that land, has requested the acquiring authority in writing to serve him with a notice under this sub-paragraph and has furnished it with an address for service thereto,
- describing the land to which the notice relates and stating the acquiring authority's intention to enter on and take possession thereof at the expiration of such period (not being less than fourteen days) as may be specified in the notice.

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- (3) At the expiration of the period specified in such a notice (or, where two or more such notices are required, and the periods specified in the said notices do not expire at the same time, of the last of those periods to expire) or at any time thereafter, the acquiring authority may enter on and take possession of the land to which the notice or notices relate without previous consent or compliance with section 11 of the Compulsory Purchase Act 1965, but subject to payment of the like compensation for the land of which possession is taken, and interest on the compensation agreed or awarded, as the acquiring authority would be required to pay if those provisions had been complied with.
- (4) Sections 55 and 56 of the Land Compensation Act 1973 shall, subject to any necessary modifications, have effect in relation to a notice of entry under this paragraph as they have effect in relation to a notice of entry under the said section 11(1).

Extinguishment of rights over land compulsorily acquired

- 32 (1) Subject to the provisions of this paragraph, upon the completion by the acquiring authority of an acquisition of land under the new towns code, 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 acquiring 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-paragraph (2) above, sub-paragraph (1) above shall have effect subject—
- (a) to any direction given by the acquiring authority before the completion of the acquisition that the said sub-paragraph (1) 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 acquiring 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 acquiring authority.
- (5) Any compensation payable under this paragraph shall be determined in accordance with the Land Compensation Act 1961.

Minerals

- 33 (1) A compulsory purchase order made under the new towns code may make provision for the incorporation with that code of section 77 of the Railways Clauses Consolidation Act 1845 (which relates to the exception of minerals from purchases) and sections 78 to 85 of that Act (which relate to restrictions on the working of minerals) as originally enacted, and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923, or of the said section 77 oily.
- (2) The provision authorised by sub-paragraph (1) above may be made as to all or any of the land to which the compulsory purchase order relates, and may include such modification of references in the sections mentioned in that sub-paragraph to the

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railway or works, or to the company, as may be specified in the order; and for the purposes of any such incorporation of those sections, the new towns code and the compulsory purchase order shall be deemed to be the special Act.

PART V

SPECIAL POWERS IN RELATION TO LAND ACQUIRED

Land to which this Part applies

- 34 This Part of the new towns code applies to land of the following descriptions, that is to say—
- (a) land acquired under the new towns code, and
 - (b) land acquired under this Act by agreement which could have been or have been required to be acquired under the new towns code.

Power to override easements and other rights

- 35 (1) The erection, construction or carrying out, or maintenance, of any building or work on land to which this Part of the new towns code applies, whether done by the Board or a local highway authority or by any other person, is authorised by virtue of this paragraph if it is done in accordance with planning permission, notwithstanding that it involves interference with an interest or right to which this paragraph applies, or involves a breach of a restriction as to the use of land arising by virtue of a contract:

Provided that nothing in this sub-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.

- (2) 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.
- (3) 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 Compulsory Purchase Act 1965, 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 the Board or a local highway authority or the injury arises from the execution of works on land acquired by the Board or such an authority.
- (4) Where a person other than the Board or local highway authority by whom the land in question was acquired is liable to pay compensation by virtue of sub-paragraph (3) above, and fails to discharge that liability, the liability shall be enforceable against the Board or that authority:

Provided that nothing in this sub-paragraph shall be construed as affecting any agreement between the Board or that authority and any other person for indemnifying the Board or that authority against any liability under this sub-paragraph.

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- (5) 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.
- (6) Nothing in this paragraph shall be construed as authorising any act or omission on the part of the Board or a local highway authority, or of any body corporate, in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the Board, authority or body.

Use and development of consecrated land and burial grounds

- 36 (1) Any land to which this Part of the new towns code applies which is consecrated land may, subject to the following provisions of this paragraph—
- (a) in the case of land acquired by the Board or a local highway authority, be used by them, or by any other person, in any manner in accordance with planning permission, and
 - (b) in the case of land acquired by the Secretary of State, be used in any manner by him or on his behalf for any purpose for which he acquired the land,
- notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land:

Provided that this sub-paragraph does not apply to land which consists or forms part of a burial ground.

- (2) Any use of consecrated land authorised by sub-paragraph (1) above, and the use of any land which is not consecrated land but is land to which this Part of the new towns code applies 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.
- (3) Any regulations made for the purposes of sub-paragraph (2) 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 the New Towns Act 1965 or 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 the said sub-paragraph (2) 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.

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- (4) Any land to which this Part of the new towns code applies which consists of a burial ground or part of a burial ground may—
- (a) in the case of land acquired by the Board or a local highway authority, be used by them in any manner in accordance with planning permission, and
 - (b) in the case of land acquired by the Secretary of State, be used in any manner by him or on his behalf for any purpose for which he acquired the land,
- 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:
- Provided that this sub-paragraph 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.
- (5) Provision shall be made by any regulations made for the purposes of sub-paragraph (2) above and the proviso to sub-paragraph (4) above—
- (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.
- (6) 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 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.
- (7) 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.
- (8) 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 sub-paragraph (4) above.
- (9) Nothing in this paragraph shall be construed as authorising any act or omission on the part of the Board or a local highway authority, or of any body corporate, in

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contravention of any limitation imposed by law on their capacity by virtue of the constitution of the Board, authority or body.

- (10) In this paragraph "burial ground" includes any church-yard, 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.

Use and development of open spaces

- 37 (1) Any land to which this Part of the new towns code applies which is or forms part of a common, open space or fuel or field garden allotment, may—
- (a) in the case of land acquired by the Board or a local highway authority, be used by them, or by any other person, in any manner in accordance with planning permission,
 - (b) in the case of land acquired by the Secretary of State, be used in any manner by him or on his behalf for any purpose for which he acquired the land,
- 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.
- (3) Nothing in this paragraph shall be construed as authorising any act or omission on the part of the Board or a local highway authority, or of any body corporate, in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the Board, authority or body.

Extinguishment of public rights of way over land acquired

- 38 (1) Where any land to which this Part of the new towns code applies is for the time being held by the Board, a local highway authority or the Secretary of State, 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 twenty-eight 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 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 Part VII of the new towns code shall have effect in relation to the objection.

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- (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 to which this Part of the new towns code applies which has been acquired by the Board, and compensation in respect of restrictions imposed under section 1 or section 2 of the 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 who, when the compensation was paid, were the authority for the purposes of section 4 of the Trunk Roads Act 1936), the order may provide for the payment by the Board 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, paragraph 2 of this Schedule 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 sub-paragraph (1) of that paragraph.
- (7) Where the Secretary of State makes an order under this paragraph on the application of the Board or a local highway authority, he shall send a copy of it to the Post Office.

Provisions as to telegraphic lines

- 39 (1) Where an order under paragraph 38 above extinguishing a public right of way is made on the application of the Board or a local highway authority, and at the time of the publication of the notice required by sub-paragraph (2) of that paragraph there was under, in, on, over, along or across the land over which the right of way subsisted a telegraphic line belonging to or used by the Post Office—
- (a) the power of the Post Office to remove the line 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 line after the end of that period if before the end of that period the Post Office has given notice to the Board or local highway authority of its intention to remove the line or that part thereof, as the case may be ;
 - (b) the Post Office may by notice given in that behalf to the Board or local highway authority not later than the end of the said period of three months abandon the telegraphic line or any part thereof ;
 - (c) subject to paragraph (b) above, the Post Office shall be deemed at the end of that period to have abandoned any part of the line which the Post Office has then neither removed nor given notice of its intention to remove ;
 - (d) the Post Office shall be entitled to recover from the Board or local highway authority the expense of providing, in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line, a telegraphic line in such other place as the Post Office may require ;

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- (e) where under the foregoing provisions of this paragraph the Post Office has abandoned the whole or any part of a telegraphic line, it shall vest in the Board or local highway authority, and the provisions of the Telegraph Acts 1863 to 1962 shall not apply in relation to the line or that part thereof with respect to anything done or omitted after its abandonment.
- (2) In this paragraph " telegraphic line " has the same meaning as in the Telegraph Act 1878.

Creation of trunk roads

- 40 The Secretary of State may direct that any road constructed by him on land to which this Part of the new towns code applies shall, on such date as may be specified in the direction, become a trunk road within the meaning of the Highways Act 1959 ; and the provisions of that Act relating to trunk roads shall apply to the roads accordingly.

PART VI

STATUTORY UNDERTAKERS

Assessment of compensation for compulsory acquisition of statutory undertakers' operational land

- 41 (1) Where statutory undertakers are entitled to compensation in respect of an acquisition of operational land under the new towns code or in respect of the extinguishment of a right or the imposition of a requirement as mentioned in paragraph 44(8) below, the amount of the compensation shall, subject to paragraph 42 below, be an amount calculated in accordance with the following provisions of this paragraph.
- (2) The said amount, subject to sub-paragraph (3) below, shall be the aggregate of the following amounts, that is to say—
- (a) the amount of any expenditure reasonably incurred in acquiring land, providing apparatus, erecting buildings or doing work for the purposes of any adjustment of the carrying on of the undertaking rendered necessary by the proceeding giving rise to compensation;
 - (b) whichever of the following is applicable, namely—
 - (i) where such an adjustment is made, the estimated amount of any decrease in net receipts from the carrying on of the undertaking pending the adjustment, in so far as the decrease is directly attributable to the proceeding giving rise to compensation, together with such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking in the period after the adjustment has been completed, in so far as the decrease is directly attributable to the adjustment, or
 - (ii) where no such adjustment is made, such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking which is directly attributable to the proceeding giving rise to compensation ;
 - (c) where the right to compensation arises under paragraph 44(8) below, and is in respect of the imposition of a requirement to remove apparatus, the amount of any expenditure reasonably incurred by the statutory undertakers

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in complying with the requirement, reduced by the value after removal of the apparatus removed.

- (3) Where any such adjustment as is mentioned in sub-paragraph (2)(a) above is made, the aggregate amount mentioned in that sub-paragraph shall be reduced by such amount (if any) as appears to the Lands Tribunal to be appropriate to offset—
- (a) the estimated value of any property (whether movable or immovable) belonging to the statutory undertakers and used for the carrying on of their undertaking which, in consequence of the adjustment, ceases to be so used, in so far as the value of the property has not been taken into account under sub-paragraph (2)(c) above, and
 - (b) the estimated amount of any increase in net receipts from the carrying on of the undertaking in the period after the adjustment has been completed, in so far as that amount has not been taken into account under sub-paragraph (2) (b) above and is directly attributable to the adjustment,

and by any further amount which appears to the Lands Tribunal to be appropriate, having regard to any increase in the capital value of immovable property belonging to the statutory undertakers which is directly attributable to the adjustment, allowance being made for any reduction made under paragraph (b) above.

- (4) References in this paragraph to a decrease in net receipts shall be construed as references to the amount by which a balance of receipts over expenditure is decreased, or a balance of expenditure over receipts is increased, or, where a balance of receipts over expenditure is converted into a balance of expenditure over receipts, as references to the aggregate of the two balances ; and references to an increase in net receipts shall be construed accordingly.

- (5) In this paragraph—

" compensation in respect of an acquisition " includes compensation payable in connection with the acquisition for damage sustained by reason of the severing of the land acquired from other land held therewith or otherwise injuriously affecting such other land, and compensation payable for disturbance or any other matter not directly based on the value of the land ;

" proceeding giving rise to compensation " means the particular action (that is to say, the acquisition, the extinguishment of a right or the imposition of a requirement) in respect of which compensation falls to be assessed, as distinct from any development or project in connection with which that action may have been taken.

- 42 (1) Where statutory undertakers are entitled to compensation in respect of an acquisition of land under the new towns code, the statutory undertakers may by notice in writing under this paragraph elect that the compensation shall be ascertained in accordance with the enactments (other than rule (5) of the rules set out in section 5 of the Land Compensation Act 1961) which would be applicable apart from paragraph 41 above ; and if the undertakers so elect the compensation shall be ascertained accordingly.
- (2) An election under this paragraph may be made either in respect of the whole of the land comprised in the compulsory acquisition in question or in respect of part of that land.
- (3) Any notice under this paragraph shall be given to the acquiring authority before the end of the period of two months from the date of service of notice to treat in respect of the interest of the statutory undertakers.

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- 43 (1) Where the amount of any such compensation as is mentioned in sub-paragraph (1) of paragraph 41 above falls to be ascertained in accordance with the provisions of that paragraph, the compensation shall, in default of agreement, be assessed by the Lands Tribunal if apart from this paragraph it would not fall to be so assessed.
- (2) For the purposes of any proceedings arising before the Lands Tribunal in respect of compensation falling to be ascertained as mentioned in sub-paragraph (1) above, the provisions of sections 2 and 4 of the Land Compensation Act 1961 shall apply as they apply to proceedings on a question referred to the Tribunal under section 1 of that Act, but with the substitution in section 4 of that Act, for references to the acquiring authority, of references to the person from whom the compensation is claimed.

Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers

- 44 (1) Subject to sub-paragraph (2) below, this paragraph applies to land which fulfils the following conditions, that is to say—
- (a) it must be land acquired under the new towns code or land acquired under this Act by agreement which could have been or have been required to be acquired under the new towns code ; and
 - (b) it must be land for the time being held by the Board, a local highway authority or the Secretary of State.
- (2) This paragraph shall not have effect, so far as regards a right of the Post Office with respect to a telegraphic line and so far as regards a telegraphic line of the Post Office, in a case in which paragraph 39 has effect.
- (3) Where, in the case of any land to which this paragraph applies—
- (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 the 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 acquiring authority may serve on the statutory undertakers a notice stating that, at the end of such period as may be specified in the notice, the right will be extinguished, or requiring that, before the end of such period as may be so specified, the apparatus shall be removed.
- (4) The statutory undertakers on whom a notice is served under sub-paragraph (3) above may, before the end of the period of twenty-eight days from the service of the notice, serve a counter-notice on the acquiring authority stating that they object to all or any of the provisions of the notice, and specifying the grounds of their objection.
- (5) If no counter-notice is served under sub-paragraph (4) 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 acquiring authority may remove the apparatus and dispose of it in any way the authority may think fit.
- (6) If a counter-notice is served under sub-paragraph (4) above on the Board or local highway authority, the Board or authority may either withdraw the notice (without prejudice to the service of a further notice) or may apply to the Secretary of State and

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the appropriate Minister for an order under this paragraph embodying the provisions of the notice, with or without modification; and if such an application is made, the Secretary of State and the appropriate Minister may make an order under this paragraph accordingly.

- (7) If a counter-notice is served under sub-paragraph (4) above on the Secretary of State, he may withdraw the notice (without prejudice to the service of a further notice) or he and the appropriate Minister may make an order under this paragraph embodying the provisions of the notice, with or without modification.
- (8) 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 acquiring authority at whose instance the right was extinguished or the requirement imposed ; and the provisions of paragraphs 41 to 43 above shall have effect as regards the assessment of the amount of that compensation.
- (9) In this paragraph " telegraphic line " has the same meaning as in the Telegraph Act 1878.

Orders under paragraph 44

- 45 (1) Where the Secretary of State and the appropriate Minister propose to make an order under paragraph 44(7) above, they shall prepare a draft of the order.
- (2) Before making an order under paragraph 44(6) or (7) above, the Ministers proposing to make the order—
- (a) shall afford to the statutory undertakers on whom notice was served under sub-paragraph (3) of that paragraph an opportunity of objecting to the application for, or proposal to make, the order, and
 - (b) if any objection is made, shall consider the objection and afford to those statutory undertakers (and, in a case falling within sub-paragraph (b) of that paragraph, to the Board or local highway authority 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 or in accordance with the draft order, as the case may be, either with or without modification.
- (3) Where an objection to an order under the said paragraph 44 is duly made and is not withdrawn before the making of the order, the order shall be subject to special parliamentary procedure.
- (4) Subject to sub-paragraph (3) above, where an order is made under paragraph 44 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 acquiring authority may remove the apparatus and dispose of it in any way the authority may think fit.

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Extension or modification of functions of statutory undertakers

- 46 (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 and the appropriate Minister to be expedient that the powers and duties of those undertakers should be extended or modified in order—
- (a) to secure the provision of services which would not otherwise be provided, or satisfactorily provided, for the purposes of a new town under this Act, or
 - (b) to facilitate an adjustment of the carrying on of the undertaking necessitated by any of the acts and events mentioned in sub-paragraph (2) below.
- (2) The said acts and events are—
- (a) the acquisition of any land under the new towns code or the acquisition by agreement under this Act of any land which could have been or have been required to be acquired under the new towns code where that land is (in either case) land in which an interest was held, or land 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 requirement by virtue of paragraph 44 above.
- (3) The powers conferred by this paragraph shall also be exercisable where, on a representation made by the Board, it appears to the Secretary of State and the appropriate Minister to be expedient that the powers and duties of statutory undertakers should be extended or modified in order to secure the provision of new services, or the extension of existing services, for the purposes of a new town under this Act.
- (4) Where the powers conferred by this 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 appear 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 Board 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.

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Procedure in relation to orders under paragraph 46

- 47 (1) As soon as may be after making such a representation as is mentioned in paragraph 46(1) or (3) above—
- (a) the statutory undertakers, in a case falling within sub-paragraph (1) of that paragraph, or
 - (b) the Board, in a case falling within sub-paragraph (3) thereof,
- 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 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, 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 the said paragraph 46 shall be subject to special parliamentary procedure.

Relief of statutory undertakers from obligations rendered impracticable

- 48 (1) Where, on a representation made by statutory undertakers, the appropriate Minister is satisfied that the fulfilment of any obligation 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, that is to say—
- (a) the acquisition under the new towns code 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 44 above.
- (3) As soon as may be after making a representation to the appropriate Minister under sub-paragraph (1) above, the statutory undertakers shall, as may be directed by the appropriate Minister, either—
- (a) 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
 - (b) serve such a notice on such persons, or persons of such classes, as may be so directed, or
 - (c) 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) As soon as may be after an order has been made under this paragraph the appropriate Minister shall publish in such form and manner as he thinks fit a notice stating that the order has been made.

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- (6) The provisions of Part III of the new towns code as to the validity and date of operation of compulsory purchase orders shall have effect in relation to an order under this paragraph with the substitution for references to a compulsory purchase order and to publication in accordance with the provisions of that Part of the new towns code in that behalf of references to an order under this paragraph and to publication in accordance with sub-paragraph (5) above.

Objections to orders under paragraphs 46 and 48

- 49 (1) For the purposes of paragraphs 46 and 48 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 the provisions under which the order is proposed to be made, 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 provisions of Part VII of the new towns code shall have effect in relation to the objection.

PART VII

PROCEDURE FOR DEALING WITH OBJECTIONS TO ORDERS UNDER PARAGRAPHS 38, 46 AND 48

- 50 (1) Where the provisions of this Part of the new towns code are to have effect in relation to an objection then, unless the relevant Minister 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 relevant Minister 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.
- (2) In so far as the relevant 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 relevant Minister may treat the objection as irrelevant for the purpose of making a final decision.
- (3) If, after considering the grounds of the objection as set out in the original statement and in any such further statement, the relevant 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 relevant Minister may make a final decision without further investigation as to those matters.
- (4) Subject to sub-paragraphs (2) and (3) above, the relevant 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 relevant Minister; and if the objector avails himself of that opportunity, the relevant Minister shall afford an opportunity of appearing and being heard on the same occasion to the statutory

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undertakers, the Board 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 relevant Minister to be expedient to afford such an opportunity.

- (5) Notwithstanding anything in the foregoing provisions of this Part of the new towns code, if it appears to the relevant 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.
- (6) In this Part of the new towns code 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.
- (7) In this Part of the new towns code "the relevant Minister" means—
 - (a) in relation to an order under paragraph 38, the Secretary of State ;
 - (b) in relation to an order under paragraph 46, the Secretary of State and the appropriate Minister ;
 - (c) in relation to an order under paragraph 48, the appropriate Minister.

PART VIII

SEWERAGE SERVICES

- 51
- (1) The Secretary of State, on an application made to him by the Board, may by order authorise the Board to exercise, for the purpose of the sewerage of the area of any new town situated within the area for which the Board is responsible, any powers exercisable by a water authority under section 15 of the Public Health Act 1936 (provision of sewers and sewage disposal works); and, without prejudice to the provisions of this Act with respect to the acquisition of land by the Board, any such order may provide for transferring to the Board any sewers or sewage disposal works vested in any water authority whose area comprises the area of the new town or any part of that area.
 - (2) Before making an order under this paragraph, the Secretary of State shall consult the council of every county and of every district and the water authority for every water authority area in which the whole or any part of the area of that new town is situated.
 - (3) An order under this paragraph may include a direction that such of the provisions of the Public Health Acts 1936 and 1937 or of the Public Health Act 1961 relating to sewerage and sewage disposal or to sewers, drains, cesspools and sanitary conveniences (including the provisions of the said Acts of 1936 and 1961 relating to the payment of compensation, the breaking up of streets and the power to enter on land) as may be specified in the order shall apply in relation to the area of the new town, subject to such modifications as may be so specified, as if the Board were a water authority (or, where the provision confers or imposes a function on or provides for a thing to be done by or to a local authority, as if the Board were a local authority) and as if the sewers vested in the Board were public sewers.
 - (4) Where in pursuance of an order under this paragraph, sewers or sewage disposal works are constructed by or vested in the Board for the purposes of the sewerage of any part of the area of a water authority, that authority shall make towards the expenses of the Board in the construction or maintenance of the sewers or sewage

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disposal works contributions of such amount, and subject to such conditions, as may be agreed upon between that authority and the Board or as may, in default of such agreement, be determined by the Secretary of State; and the payment of any such contributions shall be a purpose for which the water authority may borrow money.

- (5) Any order under this paragraph which provides for transferring to the Board sewers or sewage disposal works vested in a water authority may provide for the payment by the Board to that authority, in consideration of the transfer, of such sum as may be agreed upon between the Board and that authority or as may, in default of such agreement, be determined by the Secretary of State.
- 52 (1) Where the Board has, in pursuance of an order under paragraph 51 above, been carrying on a sewerage or sewage disposal undertaking the Board may by agreement with a water authority and with the consent of the Secretary of State and the Treasury, transfer the whole or any part of the undertaking to that authority.
- (2) The Secretary of State may by order provide for the transfer to a water authority of the whole or any part of a sewerage or sewage disposal undertaking which has, in pursuance of an order under paragraph 51 above, been carried on by the Board, and any such order may contain such incidental, consequential and supplementary provisions as the Secretary of State thinks necessary or expedient for the purposes of the order.
- (3) The terms on which the whole or any part of an undertaking is transferred by an order under this paragraph shall be such as the Secretary of State, with the consent of the Treasury, may specify in the order, and those terms may provide for the payment by the water authority of such sums, to be satisfied in such manner, as may be so specified:
- Provided that the total of the sums so paid shall not exceed the total capital cost of the undertaking less depreciation written off.
- (4) Before making an order under this paragraph the Secretary of State shall consult the water authority and any other authority appearing to him to be concerned.
- (5) The Secretary of State shall give notice of any order which he proposes to make under this paragraph to the water authority and the Board and, if within 28 days after he has given notice to them either the authority or the Board give notice to him that it objects to the proposal and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

PART IX

SUPPLEMENTAL

Local inquiries

- 53 (1) The Secretary of State may, for the purposes of the exercise of any of his functions under the new towns code, cause to be held such local inquiries as are directed by this Act and such other local inquiries as he may think fit.
- (2) Section 250 of the Local Government Act 1972 shall extend to any local inquiry held by virtue of this paragraph.

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Service of notices under the code

- 54 (1) Subject to the provisions of this paragraph, any document required or authorised to be served under the new towns code may be served either—
- (a) by delivering it to the person on whom it is to be served, or
 - (b) by leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address, or
 - (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address, or
 - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.
- (2) Where the document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the document is required or authorised to be served on any person as an occupier of premises, the document shall be taken to be duly served if—
- (a) being addressed to him by the description of " the owner " or "the occupier", as the case may be, of the premises (describing them), it is delivered, left or sent in the manner specified in sub-paragraph (1)(a), (b) or (c) above, or
 - (b) being addressed to him either by name or in accordance with sub-paragraph (a) above, and marked in such manner as may be prescribed for securing that it shall be plainly identifiable as a communication of importance, it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or is delivered to some person on those premises, or is affixed conspicuously to some object on those premises,
- (3) Where the document is required to be served on all persons having interests in, or being occupiers of, premises comprised in any land, and it appears to the authority required to serve the document that any part of that land is unoccupied, the document shall be taken to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than an owner who in accordance with the provisions of the new towns code in that behalf has given to that authority an address for the service of the notice on him) if, being addressed to " the owners and any occupiers" of that part of the land (describing it) and marked as mentioned in the sub-paragraph (2) above, it is affixed conspicuously to some object on the land.
- (4) This paragraph applies also to the service of documents by the acquiring authority under any provision of the Compulsory Purchase Act 1965 as that Act applies by virtue of section 6(4)(b) of this Act to an acquisition of land under the new towns code.

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Ecclesiastical property

- 55 (1) Where the fee simple in any ecclesiastical land is in abeyance, it shall be treated for the purposes of an acquisition of land under the new towns code 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 the new towns code any notice, other than a notice to treat, is required to be served on an owner of land, and the land is ecclesiastical land, a like notice shall be served on the Church Commissioners.
- (3) In this paragraph " ecclesiastical land " means land belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

Interpretation

- 56 (1) In this Schedule—
- " acquired under the new towns code " means acquired by means of a compulsory purchase order made under any provision of the new towns code (and any reference to an acquisition of land under that code or to land acquired under that code shall be construed accordingly);
- " acquiring authority ", in relation to an acquisition of land under the new towns code or by agreement under this Act or to a proposal so to acquire land, means the Board, the Secretary of State or a local highway authority ;
- " common " includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882 and any town or village green ;
- " enactment " includes an enactment in a local or private Act of Parliament, and an order, byelaw or scheme made under an Act of Parliament;
- " fuel or field garden allotment " means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;
- " held inalienably ", in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the National Trust Act 1907 or section 8 of the National Trust Act 1939;
- " National Trust " means the National Trust for Places of Historic Interest or Natural Beauty ;
- " open space " means any land laid out as a public garden, or used for purposes of public recreation, or land being a disused burial ground;
- " owner ", in relation to any building or 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 building or land, whether in possession or reversion, or who holds or is entitled to the rents and profits of the building or land under a lease or agreement of which the unexpired term exceeds three years ;
- " planning permission " means permission under Part III of the Town and Country Planning Act 1971 ;
- " prescribed " means prescribed by regulations made by the Secretary of State.
- (2) If, in relation to the authorisation under the new towns code of a compulsory acquisition of land, any question arises whether land of statutory undertakers is

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operational land that question shall be determined by the Secretary of State and the appropriate Minister.

- (3) For the purposes of this Schedule " the appropriate Minister " is, in relation to any statutory undertakers specified in column (1) of the following Table, the Minister specified in relation to those undertakers in column (2) of that Table.

| (1) | (2) |
|---|---|
| <i>Statutory undertakers</i> | <i>Appropriate Minister</i> |
| 1. Statutory undertakers authorised to carry on any railway, light railway, tramway, road transport, dock, harbour or pier undertaking. | The Secretary of State for Transport. |
| 2. Statutory undertakers authorised to carry on any water transport, canal or inland navigation undertaking. | The Secretary of State for the Environment. |
| 3. Statutory undertakers authorised to carry on any lighthouse undertaking. | The Secretary of State for Trade. |
| 4. Statutory undertakers authorised to carry on an undertaking for the supply of electricity, gas or hydraulic power. | The Secretary of State for Energy. |
| 5. Statutory undertakers authorised to carry on an undertaking for the supply of water. | The Secretary of State for Wales. |
| 6. The Post Office. | The Secretary of State for Industry. |
| 7. The Civil Aviation Authority or the British Airports Authority. | The Secretary of State for Trade. |
| 8. The National Coal Board. | The Secretary of State for Energy. |
| 9. The United Kingdom Atomic Energy Authority. | The Secretary of State for Energy. |

- (4) References in this Schedule to the Secretary of State and the appropriate Minister shall have effect—
- (a) as references to the Secretary of State and the appropriate Minister, if the appropriate Minister is not the one concerned as the Secretary of State ; and
 - (b) as references to the one concerned as the Secretary of State alone, if he is also the appropriate Minister.
- (5) If, in relation to anything required or authorised to be done under the new towns code, any question arises as to which Minister is or Was the appropriate Minister in relation to any statutory, ' undertakers, that question shall be determined by the Treasury.

SCHEDULE 4

Section 6(7).

ADAPTATION OF ENACTMENTS IN CONNECTION
 WITH COMPULSORY ACQUISITION OF RIGHTS

PART I

ADAPTATION OF PART III OF SCHEDULE 1 TO THE ACT OF 1946

- 1 In paragraph 9 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 (which relates to land belonging to local authorities, statutory undertakers or the National Trust), for references to the purchase of land there shall be substituted references to the purchase of rights over land.
- 2 In paragraph 10 of that Schedule (which relates to land belonging to statutory undertakers)—
- (a) for the words " comprised in " there shall be substituted the words " over which a right is to be acquired by virtue of ";
 - (b) after the words "purchase of" there shall be inserted the words " a right over ";
 - (c) for the words " it can be purchased and not replaced " there shall be substituted the words " the right can be purchased ";
 - (d) for sub-paragraph (ii) there shall be substituted the following—
 - “(ii) that any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.”
- 3 In paragraph 11 of that Schedule (which relates to land forming part of a common, open space or allotment) for sub-paragraph (1) there shall be substituted the following—
- “(1) In so far as a compulsory purchase order authorises the purchase of a right over land forming part of a common, open space or fuel or field garden allotment, it shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—
 - (a) that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and to the persons, if any, entitled to rights of common or other rights, and to the public, than it was before; or
 - (b) that there has been or will be given in exchange for the right additional land which will, as respects the persons in whom there is vested the land over which the right is to be purchased, the persons, if any, entitled to rights of common or other rights over that land and the public, be adequate to compensate them for the disadvantages which result from the purchase of the right, and that the additional land has been or will be vested in the persons in whom there is vested the land over which the right is to be purchased and subject to the like rights, trusts and incidents as attach to that land apart from the compulsory purchase order; or

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- (c) that the land affected by the right to be purchased does not exceed 250 square yards in extent and that the giving of other land in exchange for the right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public ;

and certifies accordingly.”

- 4 In sub-paragraph (3) of the said paragraph 11, after the words " the land " there shall be inserted the words " over which any right is to be " and-at the end of the sub-paragraph there shall be inserted the words " so far as their continuance would be inconsistent with the exercise of that right ".
- 5 In paragraph 12 of that Schedule (which among other things relates to ancient monuments), after the words " purchase of " there shall be inserted the words " rights over ".

PART II

ADAPTATION OF PART I OF THE ACT OF 1965

- 6 In the Compulsory Purchase Act 1965 (hereafter in 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 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 " .”.
- 7 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

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- (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 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 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 ".

8 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.

9 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 on 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.

- 10 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 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.
- 11 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.

SCHEDULE 5

Sections 18, 19, 20.

HOUSING

PART I

THE HOUSING SUBSIDY

The elements of the subsidy

- 1 (1) The Board shall be entitled to the basic element of the subsidy payable under section 18 of this Act ("the subsidy") if the relevant development corporation was entitled to the basic element in the housing subsidy payable under section 2 of the Housing Rents and Subsidies Act 1975 for that corporation's qualifying year.
- (2) The Board shall, if it is entitled under sub-paragraph (1) above to the basic element of the subsidy, be entitled to that element of the subsidy for each financial year beginning on or after the relevant appointed day.
- (3) The amount of the basic element of the subsidy shall be equal to the amount of the basic element of the housing subsidy payable to the relevant development corporation for that corporation's qualifying year.
- 2 (1) The Board shall be entitled to the new capital costs element of the subsidy for any financial year beginning on or after the relevant appointed day in which there falls to be debited to the Board's housing account reckonable expenditure attributable to—
- (a) admissible capital costs which have been incurred by the Board ; or
 - (b) costs which have been incurred by the relevant development corporation and were admissible capital costs for the purposes of the new capital costs element of the housing subsidy payable to the corporation.
- (2) The amount of the new capital costs element for any financial year shall be an amount equal to the appropriate percentage of the reckonable expenditure for that year attributable to the costs mentioned in sub-paragraph (1) above and, if there are different percentages attributable to different costs, it shall be an amount equal to the aggregate of those percentages.
- (3) Subject to sub-paragraph (4) below, the Secretary of State shall have power to determine that the whole or part of any rent under a lease payable by the Board

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and debited to the Board's housing account shall be treated for the purposes of this paragraph as reckonable expenditure attributable to admissible capital costs.

(4) The Secretary of State may not make a determination under sub-paragraph (3) above in respect of rent under the lease if a whole year's rent under it was debited to the housing account of the relevant development corporation for a financial year previous to the year 1975-76 and the rent under the lease becomes payable after the relevant appointed day by the Board.

(5) In this paragraph—

" admissible capital costs " means such capital costs as the Secretary of State may determine ;

" appropriate percentage ", in relation to any capital costs means 66 per cent., or such other percentage of the reckonable expenditure attributable to them as may be specified in an order applying to those costs ; and

" reckonable expenditure " means so much of the expenditure falling to be debited to the Board's housing account as the Secretary of State may determine.

- 3
- (1) Subject to sub-paragraph (2) below, the Board shall be entitled to the high costs element of the subsidy for any financial year beginning on or after the relevant appointed day if their relevant expenditure for that year exceeds the standard level of expenditure.
- (2) The Secretary of State shall determine the basis for the calculation of the high costs element, and in particular for determining what expenditure is relevant and whether it exceeds the standard level.
- (3) In making any determination for the purposes of this paragraph, the Secretary of State shall apply, as near as circumstances permit, the same principles as he applies in making a like determination for the purposes of paragraph 7 of Schedule 1 to the Housing Rents and Subsidies Act 1975 (the high costs element in the housing subsidy under that Act).

Reduction or discontinuance of the subsidy

- 4
- (1) Subject to paragraph 5 below, the Secretary of State may reduce or discontinue the Board's basic element or new capital costs element of the subsidy for any financial year if the Board has demolished or disposed of houses or other property within the Board's housing account, or in any other circumstances which he considers relevant.
- (2) The Secretary of State shall have power to determine, for the purposes of sub-paragraph (1) above—
- (a) to which houses and other property regard is or is not to be had;
 - (b) the circumstances in which houses and other property are to be treated as having been disposed of;
 - (c) to which circumstances other than demolition or disposal of houses and other property regard is to be had ; and
 - (d) the method by which the reduction in the element is to be calculated.
- 5
- (1) Where the Board has made an agreement to which this paragraph applies with a society, company or body of trustees for the time being approved by the Secretary of State for the purposes of this paragraph (in this paragraph referred to as a "housing co-operative "), neither the fact that the Board has made the agreement nor any letting of

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land in pursuance of it shall be treated as a ground for the reduction or discontinuance of the subsidy under paragraph 4 above.

- (2) The agreements to which this paragraph applies are agreements with the Board for the exercise by the housing co-operative, on such terms as may be provided in the agreement, of any of the Board's powers under this Act relating to land in which the Board has a legal estate.
- (3) An agreement to which this paragraph applies may only be made with the approval of the Secretary of State and the terms of such an agreement shall be approved by him.
- (4) The Secretary of State's approval, both to the making and to the terms of such an agreement, may be given either generally or in relation to any particular agreement and may be given unconditionally or subject to conditions.
- (5) Without prejudice to the power to let land conferred by section 4(1) of this Act, the terms of an agreement to which this paragraph applies may include terms providing for the letting of land to the housing co-operative by the Board.
- (6) A housing association which is registered under Part II of the Housing Act 1974 shall not be entitled to a grant under Part III of that Act in respect of land for the time being comprised in an agreement to which this paragraph applies.

Interpretation

6 In this Part of this Schedule—

" relevant development corporation " means the Mid-Wales New Town Development Corporation established by the Mid-Wales New Town (Development Corporation) Order 1967 ;

" relevant appointed day " means the day specified in an order of the Secretary of State under section 3(2)(a) of this Act dissolving the relevant development corporation as the day on which that corporation is dissolved ;

" qualifying year ", in relation to the relevant development corporation means the financial year which ends next before the relevant appointed day ;

" the subsidy " has the meaning given by paragraph 1 above.

PART II

ADMINISTRATION

- 7 (1) Any subsidy under this Act shall be payable to the Board by the Secretary of State at such times and in such manner as the Treasury may direct, and subject to such conditions as to records, certificates, audit or otherwise as the Secretary of State may, with the approval of the Treasury, impose.
- (2) Without prejudice to the generality of sub-paragraph (1) above, payment of any subsidy under this Act shall be subject to the making of a claim for it in such form and containing such particulars as the Secretary of State may from time to time determine.
- (3) The amount of any subsidy or any element of a subsidy under this Act payable to the Board shall be calculated to the nearest pound, by disregarding an odd amount of 50 pence, or less, and by treating an odd amount exceeding 50 pence as a whole pound.

PART III**RENT REBATES AMENDMENTS OF PART II OF THE HOUSING FINANCE ACT 1972**

- 8 In section 20(5) (power of Secretary of State in certain circumstances to allow departures from model schemes), after paragraph (c), there shall be inserted a further paragraph (preceded by the word " or ")—
- “(d) in the case of the Development Board for Rural Wales—
- (i) that the general level of the rents of housing account dwellings of the Board is exceptionally high by comparison with the general level of the rents of the Housing Revenue Account dwellings of housing authorities, or
- (ii) that the general level of the rents of a class of housing account dwellings of the Board is exceptionally high by comparison with the general level of the rents of the Housing Revenue Account dwellings of housing authorities,”.
- and after the words " paragraph (c) " there shall be inserted the words " or (d)(ii) ".
- 9 In section 21 (extent to which authorities may depart from model schemes), for the words " A housing authority " in subsections (1) and (3) there shall be substituted the words " An authority ".
- 10 In section 22 (permitted totals of rebates), for the words "housing authority" in subsection (2) there shall be substituted the word " authority ".
- 11 In section 24 (publicity for schemes) the following amendments shall be made, that is to say—
- (a) in subsection (5), after the words " of Housing Revenue Account dwellings" there shall be inserted the words " or, in the case of the Development Board for Rural Wales, of housing account dwellings "; and
- (b) in subsection (6), after the words "Housing Revenue Account dwellings " there shall be inserted the words " or, in the case of the Development Board for Rural Wales, of one of the Board's housing account dwellings ".
- 12 In section 26 (interpretation of Part II) the following amendments shall be made, that is to say—
- (a) for the definition of " authority " there shall be substituted—
- “" authority " means, in relation to a rebate scheme, a local authority, a new town corporation or the Development Board for Rural Wales and, in relation to an allowance scheme, a local authority ;”
- (b) in the appropriate place in alphabetical order there shall be inserted the following definition—
- “" housing account dwelling", in relation to the Development Board for Rural Wales, means a dwelling which is within the Board's housing account but excluding a dwelling for the time being let on a long tenancy at a low rent within the meaning of the Leasehold Reform Act 1967, and a dwelling no longer owned by the Board ;”.
- 13 In Schedule 4 (procedure), in paragraph 1(3)(a), after the words " Housing Revenue Account dwelling " there shall be inserted the words " or, in the case of the Development Board for Rural Wales, a housing account dwelling ".

SCHEDULE 6

Section 25.

STAFF OF COUNCIL FOR SMALL INDUSTRIES IN RURAL AREAS

Scope of Schedule

- 1 This Schedule applies to any person employed by the Council on the day appointed for section 25 of this Act to come into operation who was employed by the Council on work relating wholly or mainly to the Council's activities in Wales for such period preceding that day as may be prescribed by the Secretary of State by regulations under this paragraph.

Terms of employment with the Agency

- 2 The Agency shall ensure, in the case of any person to whom this Schedule applies who transfers from the employment of the Council to the employment of the Agency, that—
- (a) so long as he continues in the employment of the Agency and until he is served with a statement in writing specifying new terms and conditions of employment, each such person enjoys terms and conditions of employment not less favourable, taken as a whole, than those which he enjoyed as a member of the staff of the Council immediately before joining the Agency's staff; and
 - (b) the said new terms and conditions are such that, so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before he joined the Agency's staff, the terms and conditions of his employment, taken as a whole, are not less favourable than those which he then enjoyed.

Compensation to staff of the Council

- 3 (1) The Secretary of State shall by regulations require the Agency to pay, in such circumstances and to such extent as may be determined by or under the regulations, compensation to or in respect of any person to whom this Schedule applies for loss of employment or for loss or diminution of emoluments or pension rights in consequence of the events specified in sub-paragraph (2) below.
- (2) The said events are—
- (a) for the purpose of compensation to a person for loss of employment—
 - (i) dismissal of that person from his employment with the Agency in a case where he has transferred to that employment from his employment with the Council; or
 - (ii) dismissal of that person from his employment with the Council in a case where he has remained in the employment of the Council;
 - (b) for the purpose of compensation to a person for loss or diminution of emoluments or pension rights, the variation of the terms or conditions of his employment—
 - (i) with the Agency in a case where he has transferred to that employment from his employment with the Council and has been served with a notice under paragraph 2 above specifying new terms and conditions of his employment which are, taken as a whole, less

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favourable than those on which he was employed before service of the notice ; or

- (ii) with the Council in a case where he has remained in the employment of the Council.

4 Different regulations may be made under paragraph 3 above in relation to different classes of persons, and any such regulations may be so framed as to have effect as from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision therein is to have effect as from a date earlier than the making thereof shall not place any person other than the Agency in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.

5 Regulations under paragraph 3 above—

- (a) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined, and
- (b) may apply, with or without modifications, the provisions of any other rules or regulations relating to similar matters.

Continuity of employment

6 For the purposes of—

- (a) the Redundancy Payments Act 1965 ;
- (b) the Contracts of Employment Act 1972 ; and
- (c) the Trade Union and Labour Relations Act 1974,

there shall be deemed to have been no break in the employment of any person to whom this Schedule applies who transfers from the employment of the Council to the employment of the Agency.

SCHEDULE 7

Section 27.

AMENDMENTS OF ACTS

Landlord and Tenant Act 1954

1 (1) The following section shall be inserted after section 60A of the Landlord and Tenant Act 1954—

“60B Development Board for Rural Wales premises.

- (1) Where the property comprised in the tenancy consists of premises of which the Development Board for Rural Wales is the landlord, and the Secretary of State certifies that it is necessary or expedient, for the purpose of providing employment appropriate to the needs of the area in which the premises are situated, that the use or occupation of the property should be changed, paragraphs (a) and (b) of section 58(1) above shall apply as they apply where such a certificate is given as is mentioned in that subsection.

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- (2) Where the court makes an order under Part II of this Act for the grant of a new tenancy of any such premises as aforesaid, and the Secretary of State certifies that it is necessary or expedient as aforesaid that the tenancy should be subject to a term, specified in the certificate, prohibiting or restricting the tenant from assigning the tenancy or sub-letting, charging or parting with possession of the premises or any part of the premises or changing the use of the premises or any part of the premises, the court shall determine that the terms of the tenancy shall include the terms specified in the certificate.”
- (2) In section 59 of that Act (compensation for exercise of special powers in relation to tenancies)—
- (a) in subsection (1), for the words " or, subject to subsection (1A) below, section 60A below " (inserted by section 11(2) of the Welsh Development Agency Act 1975) there shall be substituted the words " or subject to subsections (1A) or (1B) below, sections 60A or 60B below "; and
- (b) after subsection (1A) there shall be inserted the following subsection—
- “(1B) No compensation shall be recoverable under subsection (1) above where the certificate was given under section 60B below and either—
- (a) the premises are premises which—
- (i) were vested in the Welsh Development Agency by section 8 of the Welsh Development Agency Act 1975 or were acquired by the Agency when no tenancy subsisted in the premises ; and
- (ii) vested in the Development Board for Rural Wales under section 24 of the Development of Rural Wales Act 1976 ; or
- (b) the tenant was not the tenant of the premises when the Board acquired the interest by virtue of which the certificate was given.”

Licensing Act 1964

- 2 In section 115 of the Licensing Act 1964 (development corporation to provide services for, and pay expenses of, licensing committee for a new town or towns) there shall be added at the end the following subsection—
- “(3) Subsections (1) and (2) above shall have effect, in a case where the Development Board for Rural Wales is responsible under the Development of Rural Wales Act 1976 for the development of the new town or (where a committee is constituted for two new towns) for the development of one or both of the new towns, in accordance with the following provisions, that is to say—
- (a) where the committee is constituted for one new town for which the Board is responsible, subsection (1) above shall apply as if the Board were the development corporation for that town;
- (b) where the committee is constituted for two new towns for both of which the Board is responsible, subsection (1) above shall apply (instead of subsection (2)) as if the two towns were one town and the Board were the development corporation for that town;

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- (c) where the committee is constituted for two new towns for one of which the Board is responsible, subsections (1) and (2) above shall apply as if the Board were the development corporation for that town.”

- 3 In Schedule 10 to the Licensing Act 1964 (constitution of licensing committee for new town or towns), after paragraph 1(1) there shall be inserted the following sub-paragraph—

“(1A) Sub-paragraph (1) above shall have effect, in a case where the Development Board for Rural Wales is responsible under the Development of Rural Wales Act 1976 for the development of the new town or (where the committee is constituted for two new towns) for the development of one or both of the new towns, in accordance with the following provisions, that is to say—

- (a) where the committee is constituted for one new town for which the Board is responsible, sub-paragraph (1)(b) above shall apply as if the Board were the development corporation for that town ;
- (b) where the committee is constituted for two new towns for both of which the Board is responsible, sub-paragraph (1)(b) above shall apply as if the two towns were one town and the Board were the development corporation for that town ;
- (c) where the committee is constituted for two new towns for one of which the Board is responsible, sub-paragraph (1)(b) above shall apply as if the Board were the development corporation for that town.”

New Towns Act 1965

- 4 In section 1 of the New Towns Act 1965 (power to designate sites of new towns), after subsection (1) there shall be inserted the following subsection—

“(1A) Subsection (1) shall apply, in relation to land within the area for which the Development Board for Rural Wales is for the time being responsible under the Development of Rural Wales Act 1976, as if it referred to the expediency of the Board's developing the area of land designated in the order as a new town.”

Leasehold Reform Act 1967

- 5 (1) The Leasehold Reform Act 1967 shall be amended in accordance with this paragraph.
- (2) In section 28 (retention or resumption of land required for public purposes), in subsection (5) after paragraph (b) there shall be inserted the following paragraph—
“(bb) to the Development Board for Rural Wales”.
- (3) In section 29 (reservation of future right to develop), after subsection (6) there shall be inserted the following subsection—

“(6A) Subsections (1) to (4) above shall have effect in relation to the Development Board for Rural Wales as if any reference in those subsections or in Part I of Schedule 4 to this Act to a local authority were a reference to the Board. and in subsection (7), after the words "Commission for the New Towns " there shall be inserted the words " the Development Board for Rural Wales ".”

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- (4) In section 30 (reservation of right of pre-emption in new town or overspill areas), in subsection (7) there shall be added after the words " Commission for the New Towns " the words " to the Development Board for Rural Wales ".
- (5) In Part II of Schedule 4 (reacquisition for development by New Towns Commission) there shall be added after paragraph 5 the following paragraph—
- “6 (1) Where a tenant of a house and premises acquires the freehold under Part I of this Act subject to a covenant entered into under section 29(1) with the Development Board for Rural Wales, and the property or any part of it is afterwards acquired for development for purposes (other than investment purposes) of the Board the Board may be authorised by the Secretary of State to acquire the property or that part of it compulsorily.
- (2) The Acquisition of Land (Authorisation Procedure) Act 1946 and any other enactment relating to compulsory purchases to which the provisions of Schedule 1 to that Act apply shall have effect in relation to a compulsory purchase under this paragraph as if the paragraph were contained in an Act in force immediately before the commencement of that Act and as if the Board were a local authority.”

Rent Act 1968

- 6 In section 5 (no protected or statutory tenancy where landlord's interest belongs to certain public bodies), in subsection (2) after paragraph (d) there shall be inserted the following paragraph—
- “(dd) the Development Board for Rural Wales”.

Agriculture (Miscellaneous Provisions) Act 1968

- 7 In section 13(2) (additional payments to farmers in consequence of compulsory acquisition), after the words " section 7 of the New Towns Act 1965 " there shall be inserted the words " or section 4(1) of the Development of Rural Wales Act 1976 ".

Housing Finance Act 1972

- 8 In section 91(1) of the Housing Finance Act 1972 (certain bodies exempt from duty to give tenants information about service charges) there shall be added after paragraph (d) the following paragraph (preceded by the word " or ")—
- “(e) the Development Board for Rural Wales.”
- 9 In section 91A of the Housing Finance Act 1972 (certain bodies exempt from right to challenge service charges), in subsection (8), at the end of paragraph (a) there shall be inserted the following sub-paragraph—
- “(vi) the Development Board for Rural Wales, or”.

Land Compensation Act 1973

- 10 (1) Section 39 of the Land Compensation Act 1973 (duty to rehouse occupiers displaced by compulsory acquisition of land etc.) shall be amended in accordance with this paragraph.
- (2) In subsection (4) (no such duty where money advanced for rehousing), after paragraph (e), there shall be inserted the following paragraph—

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“(f) by the Development Board for Rural Wales”.

(3) At the end of subsection (8) there shall be added the following paragraph—

“(d) if the authority by whom the land is acquired or redeveloped is the Development Board for Rural Wales, that Board shall, in a case falling within paragraph (a) or (c) of that subsection, be the relevant authority for the purposes of this section.”.

Water Act 1973

- 11 (1) This paragraph has effect for the amendment of section 15 of the Water Act 1973 (arrangements for discharge of sewerage functions) where the circumstances specified in sub-paragraph (2) below exist.
- (2) The said circumstances are that an order is in force under paragraph 51 of Schedule 3 to this Act authorising the Development Board for Rural Wales to exercise the powers of a water authority under section 15 of the Public Health Act 1936 for the purpose of the sewerage of the area of a new town situated within the area for which the Board is responsible under this Act and within a water authority area.
- (3) Where this paragraph has effect section 15 shall have effect as if subsection (1) thereof also required the water authority for that area and (at the choice of that water authority) either the Board or any district council within whose area the new town is wholly or partly situated to endeavour to make arrangements for the Board or the district council to discharge as respects the new town the functions of the water authority under Part II of the Public Health Act 1936 (other than those excepted by subsection (3)) and as if the references in subsections (2), (4), (5) and (6) to a or the relevant authority included references to the Board.

Housing Act 1974

- 12 In section 5(3) of the Housing Act 1974 (power of Housing Corporation to dispose of land with dwellings or hostels to new town and other authorities) after paragraph (e), there shall be inserted the following paragraph—
- “(f) the Development Board for Rural Wales where the land is situated within the area for which the Board is responsible under the Development of Rural Wales Act 1976”.
- 13 In section 84 of the Housing Act 1974, in the definition of "housing authority" (for the purposes of Part VII housing grants and contributions), after the words "Commission for the New Towns " there shall be inserted the words " the Development Board for Rural Wales ".
- 14 In section 99(2) of the Housing Act 1974 (provisional notices and improvement notices under that Act not to be served on certain bodies), after paragraph (f), there shall be added the following paragraph—
- “(g) the Development Board for Rural Wales.”
- 15 In section 105 of the Housing Act 1974 (Secretary of State's control of certain expenditure by housing authorities), at the end of subsection (3) there shall be added the words " except that ' housing authority' does not include the Development Board for Rural Wales. "

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Community Land Act 1975

- 16 (1) The Community Land Act 1975 shall be amended in accordance with this paragraph.
- (2) In section 17 (manner of exercise of functions of community land authorities) after subsection (3) there shall be inserted the following subsection—
- “(3A) In considering whether any land in Wales which is situated within the area of a new town within the area for which the Development Board for Rural Wales is responsible under the Development of Rural Wales Act 1976 is development land, the Land Authority for Wales shall (except in a case where planning permission is in force for the carrying out of relevant development on the land) consult the Board.”
- (3) In section 23 (disposal notification areas) in subsection (2), there shall be added at the end the words " and, where any part of the land covered by the resolution is situated within the area of a new town within the area for which the Development Board for Rural Wales is responsible under the Development of Rural Wales Act 1976, that Board also. "
- (4) In section 23, in subsection (6), after paragraph (d) there shall be added the following paragraph—
- “(e) to a disposal, or to a contract for the disposal, to the Development Board for Rural Wales of a material interest in land situated within the area of a new town within the area for which that Board is responsible under the Development of Rural Wales Act 1976 ;”
- (5) In section 24 (revocation of duty to notify), in subsection (2), there shall be added at the end the words " and where the land is situated within the area for which the Development Board for Rural Wales is responsible under the Development of Rural Wales Act 1976, that Board also. "
- (6) In section 46 (authorities to keep registers of land holdings) in subsection (3) there shall be added at the end the words " and the Development Board for Rural Wales ".

New Towns (Amendment) Act 1976

- 17 After section 15 of the New Towns (Amendment) Act 1976 there shall be inserted the following section—

“15A Application to new towns of the Development Board for Rural Wales.

- (1) The foregoing provisions of this Act shall apply in relation to the Development Board for Rural Wales (' the Board') and any new town within the area for which the Board is responsible under the Development of Rural Wales Act 1976 as they apply to a new town corporation for any new town and that town subject, however, to the modifications specified in this section.
- (2) A dwelling is a dwelling of a new town if it is a dwelling (whether or not in the area of the new town concerned) erected, adapted, or acquired by the Board for occupation as a dwelling and so erected, adapted or acquired for the purpose of developing any area of a new town or new town situated within the area for which the Board is responsible under that Act.
- (3) A transfer scheme shall, in addition to specifying under section 3(6)(b) above the number or proportion of dwellings in respect of which the right to

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nominate tenants is conferred by the scheme, specify the period for which the right is to be exercisable, but the Board's right shall only be exercisable during the period of five years beginning with the date on which the Board's interests in the transferred dwellings vest in the district council or such lesser period as may, with the consent of the Secretary of State, be agreed between the Board and the council.

- (4) The powers, rights, liabilities and obligations of the Board which are excepted by subsection (8) of section 6 above from those which a district council are to have in relation to land managed under a transfer scheme include any powers, rights, liabilities and obligations which are certified by the Board as being appropriate for the Board to retain in order to enable them to complete their function of laying out and developing the new town, and subsection (9) of that section shall apply as if the certificate had been given under subsection (8)(c).”