



# New Towns Act 1946

## 1946 CHAPTER 68

### 25 Provisions as to Scotland.

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.
- (2) For any reference to the Minister of Town and Country Planning or to the Minister of Health there shall be substituted a reference to the Secretary of State.
- (3) In section one, in subsection (2) for the words from " section sixteen " to " land charges " there shall be substituted the following words :—

“sections fifteen and sixteen of the Town and Country Planning (Scotland) Act, 1945, (which relate respectively to the validity and date of operation of orders under section one of that Act and to the recording of such orders in the register of sasines)”.

- (4) In section two, in subsection (1) the words " and power to hold land without licence in mortmain " shall be omitted.
- (5) In section three—
  - (a) in subsection (2) for any reference to section ten of the Town and Country Planning Act, 1932, there shall be substituted a reference to section ten of the Town and Country Planning (Scotland) Act, 1932 ;
  - (b) in subsection (3) for the words from "any of the enactments " to the end of the subsection there shall be substituted the words " sections one and two of the Restriction of Ribbon Development Act, 1935 ";
  - (c) after subsection (3) there shall be inserted the following 'subsection :—

“(3A) The provisions of subsection (1) of section eighty of the Housing (Scotland) Act, 1925, shall apply in relation to any such development as aforesaid, being development carried out by the corporation in accordance with proposals approved by the Secretary of State under subsection (1) of this section, as they apply in relation to things done in pursuance of housing operations to which the said section eighty applies”;

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- (d) in subsection (4), for the reference to section thirty-three of the Town and Country Planning Act, 1944, there shall be substituted a reference to section thirty-two of the Town and Country Planning (Scotland) Act, 1945 ; for the reference to the Town and Country Planning Acts, 1932 and 1943, there shall be substituted a reference to the Town and Country Planning (Scotland) Acts, 1932 and 1943 ; for the reference to section fifty-three of the Town and Country Planning Act, 1932, there shall be substituted a reference to section fifty-two of the Town and Country Planning (Scotland) Act, 1932 ; and for the words " registered under section seventeen of the Town and Country Planning Act, 1944, " there shall be substituted the words " recorded under section sixteen of the Town and Country Planning (Scotland) Act, 1945 "

(6) In section four—

- (a) in subsection (1) for references to Part I of the Second Schedule to the Town and Country Planning Act, 1944, there shall be substituted references to Part I of the Second Schedule to the Town and Country Planning (Scotland) Act, 1945 ;
- (b) for subsection (2) there shall be substituted the following subsection :—

“(2) In relation to the acquisition of land b)' a development corporation under this section the following provisions of the Town and Country Planning (Scotland) Act, 1945, that is to say—

- (a) sections thirteen and fourteen (which contain special provisions as to the acquisition under Part I of that Act of land belonging to statutory undertakers and land forming part of commons and other open spaces) ;
- (b) sections fifteen and sixteen (which relate respectively to the validity and date of operation of compulsory purchase orders under Part I of that Act and to the recording of such orders in the register of sasines) ; and
- (c) section seventeen (which applies the Lands Clauses Acts subject to modifications, including modifications providing for expediting the completion of compulsory purchases under that Part) ;

shall apply as they apply in relation to the acquisition of land by local planning authorities under Part I of that Act.”

- (c) in subsection (3) for any reference to the Town and Country Planning Act, 1944, there shall be substituted a reference to the Town and Country Planning (Scotland) Act, 1945;
- (d) in subsection (7) for the reference to Part II of the Town and Country Planning Act, 1944, there shall be substituted a reference to Part II of the Town and Country Planning (Scotland) Act, 1945.

(7) In section five—

- (a) the proviso to subsection (1) shall be omitted;
- (b) for subsection (3) there shall be substituted the following subsections :—

“(3) Where land is disposed of under this section by a development corporation to any person for the erection of a church or other building for religious worship or buildings ancillary thereto, then, unless the parties otherwise agree, such disposal shall be by way of feu.

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- (4) Nothing in this Act shall be construed as enabling a development corporation to dispose of land by way of gift or in security, but subject as aforesaid references in this Act to the disposal of land shall be construed as references to the disposal thereof by way of feu, excambion or lease, by the creation of any servitude, right or privilege, or otherwise.
- (5) Subject to the provisions of subsection (2) of this section a development corporation shall not, except with the consent of the Secretary of State, dispose of land otherwise than on the best terms that can reasonably be obtained.”
- (8) In section six—
- (a) for subsection (1) there shall be substituted the following subsection :—
- “(1) In relation to land acquired by a development corporation under this Act, the following provisions of the Town and Country Planning (Scotland) Act, 1945, that is to say—
- (a) section twenty-one (which authorises the development of land acquired under Part I of that Act, notwithstanding interference with servitudes, etc.);
- (b) sections twenty-two to twenty-four (which relate to the extinction of highways, private rights of way and rights as to apparatus on land acquired under the said Part I);
- (c) sections twenty-seven and twenty-eight (which relate to churches and burial grounds and to open spaces, etc., acquired under the said Part I) ; and
- (d) section twenty-nine (which relates to displacements from land acquired under that Part) ;
- shall apply as they apply in relation to land acquired by a local planning authority under Part I of that Act.”
- (b) in subsection (2) for any reference to section twenty-three of the Town and Country Planning Act, 1944, there shall be substituted a reference to section twenty-two of the Town and Country Planning (Scotland) Act, 1945 ;
- (c) in subsection (3) for any reference to section forty-two of the Town and Country Planning Act, 1944, there shall be substituted a reference to section forty-one of the Town and Country Planning (Scotland) Act, 1945
- (9) In section seven for references to section three of the Town and Country Planning Act, 1944, and to paragraphs (a) and (b) of subsection (1) of that section, there shall be substituted respectively references to section three of the Town and Country Planning (Scotland) Act, 1945, and to paragraphs (a) and (b) of subsection (1) of that section.
- (10) In section eight—
- (a) for any reference to the Housing Act, 1936, and to section ninety-four of that Act, there shall be substituted respectively references to the Housing (Scotland) Acts, 1925 to 1946, and to section twenty-six of the Housing (Scotland) Act, 1935 ;
- (b) for any reference to the Housing (Financial and Miscellaneous Provisions) Act, 1946, there shall be substituted a reference to the Housing (Financial Provisions) (Scotland) Act, 1946, and for any reference to a house there shall be substituted a reference to housing accommodation ;

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- (c) in subsection (2) for the words from " under that Act," to the end of the subsection there shall be substituted the words " under section one or section three or section five of that Act (as amended by any order for the time being in force under section fourteen of that Act) if the housing accommodation had been provided by a local authority ; and where, under proviso (a) or proviso (6) to subsection (2) of the said section one, additional contributions would be payable if the housing accommodation had been provided by a local authority being the town council of a large burgh, sums not exceeding those additional contributions shall also be payable under this subsection ".

(11) For section nine there shall be substituted the following section:—

**“9 Public services.**

- (1) If the Secretary of State is satisfied that it is expedient, in consequence of the making of an order under section one of this Act, that two or more local authorities should combine for the purpose of providing and maintaining water, sewerage or other services for the area designated by that order as the site of a new town, or any larger area comprising that area, he may make an order under section eleven of the Local Government (Scotland) Act, 1929, combining the authorities for that purpose notwithstanding that no application in that behalf is made to him by any of these authorities and notwithstanding the provisions of subsection (10) of the said section eleven.
- (2) If the Secretary of State, after consultation with the local authority who are responsible for the provision of water, sewerage or other services for an area designated by an order under section one of this Act as the site of a new town or any part of that area and with the development corporation established for the purpose of that order, is satisfied that it is expedient so to do, he may by an order made under this subsection authorise the development corporation to exercise for the purpose of providing and maintaining any such service such powers (other than a power to raise money by rate or loan) as may be specified in the order, being powers, which the local authority could, or could be authorised to, exercise for that purpose under any enactment.
- (3) The Secretary of State may from time to time, after consultation with the local authority aforesaid, direct that the expenditure incurred by the development corporation in the exercise of the powers conferred on them by an order under the last foregoing subsection, or such part of that expenditure as he may determine, shall be repaid by the local authority to the corporation on such terms and over such period as he may specify, and any sum directed to be paid under this subsection shall be recoverable by the corporation from the authority accordingly.
- (4) Any expenditure incurred by the local authority in making any payment under this section to the development corporation representing the cost or part of the cost of the provision and maintenance of any service shall be defrayed in like manner, and the local authority shall have the like power to borrow money for the purpose, as if the service had been provided by them.
- (5) If in consequence of a combination of authorities under an order made under subsection (1) of this section or anything done thereunder any person who, immediately before the order came into force, was an officer or servant of a local authority affected by the order is transferred to the employment

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of any joint committee set up under the order or of any other authority in the combination or his appointment is determined or his emoluments are diminished, and suffers any direct pecuniary loss by reason of such transfer, determination or diminution, he shall, unless provision for his compensation for that loss is made by or under any other enactment for the time being in force, be entitled to receive compensation from the local authority or such authority as may be specified in the order; and the provisions of section twenty-seven of, and the Second Schedule to, the Rating (Scotland) Act, 1926 and of paragraph (i) of subsection (1) of section seven of the Local Government (Scotland) Act, 1929, shall apply in relation to claims for compensation under this subsection as they apply in relation to claims for compensation under those Acts, subject to such modifications as the Secretary of State may by order prescribe for the purpose of adapting those provisions to cases arising under this section."

- (12) In section ten for references to the Town and Country Planning Act, 1944, and to Part I and to sections twenty-six and twenty-seven of that Act, there shall be substituted respectively references to the Town and Country Planning (Scotland) Act, 1945. and to Part I and to sections twenty-five and twenty-six thereof and for references to the First Schedule to the Statutory Orders (Special Procedure) Act, 1945, and to paragraph 1 thereof there shall be substituted respectively references to section two of that Act as it applies to Scotland and to subsection (1) of that section.
- (13) In subsection (1) of section fourteen for any reference to the London Gazette there shall be substituted a reference to the Edinburgh Gazette and for the words " and of the county district " there shall be substituted the words " or the town council of the burgh ".
- (14) In subsection (2) of section fifteen after the words " within whose area the new town," and after the words " in which the new town," there shall be inserted the words " or any part thereof, " and for the words " and of the county district," there shall be substituted the words " or the town council of the burgh. "
- (15) In section eighteen, for the reference to section five of the Local Government Superannuation Act, 1937, there shall be substituted a reference to section five of the Local Government Superannuation (Scotland) Act, 1937.
- (16) In section nineteen for references to the Town and Country Planning Act, 1944, and to sections fifty to fifty-four of that Act, there shall be substituted respectively references to the Town and Country Planning (Scotland) Act, 1945, and to sections forty-nine to fifty-two thereof, and any reference to ecclesiastical property shall be omitted. '
- (17) In section twenty-two for the reference to section thirty-five of the Town and Country Planning Act, 1932, there shall be substituted a reference to section thirty-four of the Town and Country Planning (Scotland) Act, 1932.
- (18) In section twenty-three for references to the Town and Country Planning Act, 1944, and to Part I of that Act, there shall be substituted respectively references to the Town and Country Planning (Scotland) Act, 1945, and to Part I thereof, and for the reference to the Fourth Schedule to this Act there shall be substituted a reference to the Fifth Schedule thereto.
- (19) In section twenty-four for the reference to the Town and Country Planning Act, 1944, there shall be substituted a reference to the Town and Country Planning (Scotland) Act, 1945, and for the reference to the Housing (Financial and Miscellaneous Provisions)

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Act, 1946, there shall be, substituted a reference to the Housing (Financial Provisions) (Scotland) Act, 1946.

(20) In section twenty-six—

(a) in subsection (1), for the definitions of the expressions "appropriate Minister", "local authority", "local planning authority", "National Trust" and "planning scheme" there shall be substituted respectively the following definitions—,

“"appropriate Minister," in relation to any statutory undertakers, has the same meaning as in the Town and Country Planning (Scotland) Act, 1945.

"local authority" means a county, town or district council and any other local authority within the meaning of the Local Authorities Loans (Scotland) Act, 1891, and includes a joint board or joint committee of which all the constituent authorities are such local authorities as aforesaid;

"local planning authority" means such a council as is mentioned in subsection (1) of section two the Town and Country Planning (Scotland) Act, 1932, and any council to whom powers and duties have been transferred under subsection (2) of that section ;

"National Trust" means the National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the Order confirmed by the National Trust for Scotland Order Confirmation Act, 1935, and references to land held inalienably by the National Trust shall be construed as references to land which is inalienable under section twenty-two of the said Order ;

"planning scheme" means a scheme under the Town and Country Planning (Scotland) Act, 1932, and includes a town planning scheme under the Town Planning (Scotland) Act, 1925 or any enactment repealed by that Act;”

(b) in subsection (3) for the reference to the Town and Country Planning Act, 1944, there shall be substituted a reference to the Town and Country Planning (Scotland) Act, 1945,

(21) In the First Schedule—

(a) for any reference to the London Gazette there shall be substituted a reference to the Edinburgh Gazette ;

(b) in paragraph 2 for the words "and of the country district" there shall be substituted the words "or on the town council of the burgh".

(22) In the Second Schedule, paragraph 11 shall be omitted.

(23) A development corporation established for the purposes of an order under section one of this Act shall have power to act as the agents of a local authority to carry out any function relating to the provision of water, sewerage or other services for the area designated by that order; and a local authority shall have power to act as the agents of a development corporation to carry out any of the functions of the corporation.

(24) The provisions of section one hundred and thirty-four of the Burgh Police (Scotland) Act, 1892, (which relates to the vesting in the town council of private streets in a burgh) shall extend to and have effect in relation to private streets, together with the footways thereof, in any area designated as the site of a new town so far as it is situated in the landward part of a county, as if for references to the town council there were substituted references to the county council, and as if after the words "the frontage of

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such street or part " there were inserted the words " or the development corporation " ; and where in pursuance of the said section (as applied by this subsection) any street has become vested in the county council, it shall thereupon become a highway within the meaning and for the purposes of the Roads and Bridges (Scotland) Act, 1878, and shall be added to the list of highways made up under section forty-one of that Act.

- (25) If the Secretary of State is satisfied, after consultation with any local authorities who appear to him to be concerned, that it is expedient that any area designated as the site of a new town, or any part of such an area, so far as it is situated in the landward part of a county should be formed into a special district for any purpose for which a county council may form a special district, he may make an order declaring that area or part of the area, to be a special district for that purpose ; and thereupon the enactments relating to special districts formed for that purpose shall apply in relation to that special district as if it were a special district formed by the county council under those enactments :

Provided that the county council may, for such period as they may think proper, exempt the owners or occupiers of any lands and heritages within the special district from the whole or from a specified portion of any special district rate on the ground that they cannot during that period benefit from any service within the district in respect of which that rate is levied.