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## SCHEDULES

### SCHEDULE 10

Section 41.

#### <sup>F1</sup> ADDITIONAL PROVISIONS AS TO TRANSFER ... OF PROPERTY OF DEVELOPMENT CORPORATION

##### Textual Amendments

**F1** Words in Sch. 10 heading repealed (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), Sch. 5 para. 31(2), [Sch. 16](#); S.I. 2008/3068, art. 2(1)(v)(2)5, Sch. (with arts. 6-13)

- 1 (1) Subject to the following provisions of this Schedule, where an order under this Act provides that on a specified date the property of a development corporation (so far as not excepted by the order) shall vest in the [<sup>F2</sup>relevant transferee], then on that date (referred to below as the transfer date) there shall by virtue of the order and without further assurance be transferred to the [<sup>F2</sup>relevant transferee] all property, rights, liabilities and obligations which immediately before the transfer date were property, rights, liabilities or obligations of the corporation.
- (2) Subject as aforesaid, every agreement to which the development corporation was a party immediately before the transfer date, whether in writing or not and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by the corporation, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this sub-paragraph, have effect as from the transfer date as if—
- (a) the [<sup>F2</sup>relevant transferee] had been a party to the agreement;
  - (b) reference (however worded and whether express or implied) to the corporation there were substituted, as respects anything falling to be done on or after the transfer date, a reference to the [<sup>F2</sup>relevant transferee];
  - (c) for any reference (however worded and whether express or implied) to any member or officer of the corporation there were substituted, as respects anything falling to be done on or after the transfer date, a reference to such person as the [<sup>F2</sup>relevant transferee] may appoint, or, in default of appointment<sup>F3</sup>—
    - (i) in a case where the relevant transferee is the Homes and Communities Agency, to the member or member of staff of the Agency who corresponds as nearly as may be to the member or officer in question of the corporation; and
    - (ii) in a case where the relevant transferee is the Welsh Ministers, to the member of staff of the Welsh Ministers who corresponds as mentioned in sub-paragraph (i) above.]
- (3) Other documents, not being enactments, which refer, whether specifically or generally, to the corporation shall be construed in accordance with sub-paragraph (2) above so far as applicable.

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- (4) Without prejudice to the generality of the foregoing sub-paragraphs, where, by the operation of any of them, any right, liability or obligation vests in the [F<sup>2</sup>relevant transferee], the [F<sup>2</sup>relevant transferee] and all other persons shall, as from the transfer date, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for asserting, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the [F<sup>2</sup>relevant transferee].
- (5) Any legal proceedings or application to any authority pending on the transfer date by or against the development corporation (and not relating to property, rights, liabilities or obligations excepted by the order from the transfer to the [F<sup>2</sup>relevant transferee]) may be continued on and after that date or against the [F<sup>2</sup>relevant transferee].

#### Textual Amendments

- F2** Words in Sch. 10 para. 1 substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 5 para. 31\(3\)\(a\)](#); S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)
- F3** Words in Sch. 10 para. 1(2)(c) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 5 para. 31\(3\)\(b\)](#); S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)

- 2 (1) Any such order as aforesaid may, if the [F<sup>4</sup>appropriate national authority] sees fit, except from the transfer to the [F<sup>5</sup>relevant transferee]—
- (a) any books, papers, or documents of the corporation,
  - (b) any property (including in particular any trade or business) which the corporation have agreed to transfer to some person other than the [F<sup>5</sup>relevant transferee], together with the corporation's rights, liabilities and obligations under that agreement, and any other rights, liabilities or obligations which it is necessary for the corporation to retain in order to give effect to that agreement,
  - (c) such other property as the [F<sup>4</sup>appropriate national authority] thinks expedient for the purpose of enabling the corporation to discharge any functions remaining to it,
- and may provide for the disposal of any property so excepted and of any property received by the corporation after the transfer date under any such agreement or otherwise.
- (2) Any expenses of the corporation on or after the transfer date, so far as not defrayed out of any such property as is mentioned in sub-paragraph (1) above, shall be defrayed by the [F<sup>5</sup>relevant transferee].

#### Textual Amendments

- F4** Words in Sch. 10 para. 2 substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 5 para. 31\(4\)\(a\)](#); S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)
- F5** Words in Sch. 10 para. 2 substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 5 para. 31\(4\)\(b\)](#); S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)

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

**C1** Sch. 10 para. 2 modified (E.) (24.7.2018) by [The New Towns Act 1981 \(Local Authority Oversight\) Regulations 2018 \(S.I. 2018/891\)](#), regs. 1, **5(e)**

- 3 (1) Subject to the following provisions of this Schedule, on the transfer date this Act and any other enactment relating to areas designated under section 1 above as the site of a new town shall cease to apply to the town as an area so designated, except for the purpose of any functions remaining to the development corporation by virtue of paragraph 2 above; and nothing in paragraph 1 above shall be construed as conferring on the <sup>F6</sup>relevant transferee] any rights, liabilities or obligations of a development corporation under any enactment.
- (2) Sub-paragraph (1) above shall not affect the operation of paragraph 1 above or of any other enactment in relation to things done by or to a development corporation before the transfer date or in relation to matters arising out of things so done; but no order shall be made under any enactment on or after the transfer date by virtue of this sub-paragraph.
- (3) Without prejudice to the generality of sub-paragraph (2) above—
- (a) any permission for development in the new town granted by an order made, or having effect as if made, under <sup>F7</sup>section 59 of the Town and Country Planning Act 1990] and in force on the transfer date shall continue in force as if references in the order to the development corporation included the <sup>F8</sup>relevant transferee];
  - (b) ..... <sup>F9</sup>
  - (c) <sup>F10</sup>where, in the case of a development corporation established by the Secretary of State, the] corporation were making contributions under section 4(4)(a) above to expenditure of a local authority or statutory undertakers, or had obtained the Secretary of State’s consent to making such contributions, the <sup>F11</sup>Homes and Communities Agency] shall have power to make or continue to make those contributions, whether or not the development corporation had undertaken any obligation to do so;
  - (d) ..... <sup>F12</sup>
- (4) Section 11 above and, so far as they have effect for the purposes of that section 11, the other provisions of this Act shall, notwithstanding anything in sub-paragraph (1) above, continue to have effect in relation to the town for such period (if any) as may be specified in the order under section 41 above relating to the town; and that order may provide that any other enactment applying in relation to the town immediately before the transfer date shall continue to apply, subject or not to any modifications specified in the order.
- (5) Where an enactment ceases to apply in relation to the town by virtue of this Schedule, section 16(1) of the <sup>M1</sup>Interpretation Act 1978 (which relates to the effect of repeals), shall have effect as it has effect on the repeal of one Act by another.

**Textual Amendments**

**F6** Words in Sch. 10 para. 3(1) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 5 para. 31(5)(a)**; S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)

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- F7** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\)](#), s. 4, [Sch. 2 para. 51\(4\)](#)
- F8** Words in Sch. 10 para. 3(3)(a) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 5 para. 31\(5\)\(b\)](#); S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)
- F9** Sch. 10 para. 3(3)(b) repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), Sch. 27 Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F10** Words in Sch. 10 para. 3(3)(c) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 5 para. 31\(5\)\(c\)\(i\)](#); S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)
- F11** Words in Sch. 10 para. 3(3)(c) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 5 para. 31\(5\)\(c\)\(ii\)](#); S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)
- F12** Sch. 10 para. 3(3)(d) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#)

#### Marginal Citations

- M1** 1978 c. 30.

**F13**<sup>4</sup> .....

#### Textual Amendments

- F13** Sch. 10 para. 4 repealed (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 5 para. 31\(6\)](#), [Sch. 16](#); S.I. 2008/3068, art. 2(1)(v)(2)5, Sch. (with arts. 6-13)

5 **F14**<sup>(1)</sup> .....

- F15**<sup>(2)</sup> Sub-paragraph (3) applies if, in the case of a development corporation established by the Secretary of State, the liabilities of the corporation for—
- (a) the repayment of advances under section 58(1) above; or
  - (b) the payment of interest on such advances;
- are transferred to the Homes and Communities Agency.
- (3) The following provisions apply to those advances—
- (a) section 61(2); and
  - (b) section 66(1) but as if the reference to any payment under section 63 or 65 above were a reference to any sum received by the Secretary of State under section 25(2) of the [Housing and Regeneration Act 2008](#).]

#### Textual Amendments

- F14** Sch. 10 para. 5(1) repealed (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 5 para. 31\(7\)\(a\)](#), [Sch. 16](#); S.I. 2008/3068, art. 2(1)(v)(2)5, Sch. (with arts. 6-13)
- F15** Sch. 10 para. 5(2)(3) substituted for Sch. 10 para. 5(2) (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 5 para. 31\(7\)\(b\)](#); S.I. 2008/3068, art. 2(1)(v)(2) (with arts. 6-13)

6 In this Schedule “enactment” means any Act of Parliament and any order, rules, regulations or similar instrument having effect by virtue of an Act of Parliament, and includes enactments passed or made on or after the date of the passing of this Act, except in so far as any such enactment provides to the contrary.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1A(1) omitted by [2023 c. 55 Sch. 16 para. 7\(3\)](#)
- s. 1A(2) omitted by [2023 c. 55 Sch. 16 para. 7\(3\)](#)
- s. 1A(4) word inserted by [2023 c. 55 Sch. 16 para. 7\(4\)\(b\)](#)
- s. 1A(4) words substituted by [2023 c. 55 Sch. 16 para. 7\(4\)\(a\)](#)
- s. 1A(5)(a) words substituted by [2023 c. 55 Sch. 16 para. 7\(5\)\(a\)](#)
- s. 1ZA1ZB inserted by [2023 c. 55 s. 172\(2\)](#)
- s. 2(1A) inserted by [2023 c. 55 Sch. 16 para. 8](#)
- s. 3(2B)-(2D) inserted by [2023 c. 55 s. 172\(3\)\(c\)](#)
- s. 3(2ZA)(2ZB) inserted by [2023 c. 55 s. 178\(2\)\(b\)](#)
- s. 7A7B inserted by [2023 c. 55 s. 175\(2\)](#)
- s. 60(1A) inserted by [2023 c. 55 s. 179\(2\)\(b\)](#)
- s. 77(3E) inserted by [2023 c. 55 Sch. 17 para. 1\(3\)](#)
- Sch. 3 para. 10A10B and cross-heading inserted by [2023 c. 55 s. 175\(3\)](#)
- Sch. 4 para. 5A inserted by [2023 c. 55 s. 190\(3\)\(a\)](#)
- Sch. 5 para. 5A inserted by [2023 c. 55 s. 190\(3\)\(b\)](#)