
Changes to legislation: There are currently no known outstanding effects for the New Towns and Urban Development Corporations Act 1985. (See end of Document for details)

SCHEDULES

SCHEDULE 1

REDUCTION OF NEW TOWN AREAS IN SCOTLAND: SUPPLEMENTARY

Schedule to be Inserted after Schedule 1 to the New Towns (Scotland) Act 1968

“SCHEDULE 1A

Section 1A.

EFFECT OF ORDER FOR REDUCTION OF DESIGNATED AREA

Disposal of Land

- 1 (1) Subject to sub-paragraphs (2) to (4) below, and without prejudice to any other power it may have to dispose of land under this Act, the development corporation shall dispose of any land which it has acquired—
 - (a) which falls within the excluded land; and
 - (b) which is not required for purposes connected with the development of the new town or for the provision of services for the purposes of the new town.
- (2) Subsection (4) of section 18 applies to disposals under this Schedule as it applies to disposals under that section.
- (3) A corporation shall comply with such directions as the Secretary of State may give—
 - (a) for preventing the duty mentioned in sub-paragraph (1) above from being performed; or
 - (b) for restricting the duty; or
 - (c) for requiring it to be performed in a manner specified in the directions.
- (4) The development corporation shall not, except with the consent of the Secretary of State, dispose of any excluded land otherwise than on the best terms that can reasonably be obtained.
- (5) Before giving a direction under sub-paragraph (3) above, the Secretary of State shall consult with the chairman of the corporation, or, if the chairman is not available, with the deputy chairman, unless he is satisfied that because of urgency consultation is impracticable.
- (6) A transaction between a person and a development corporation acting in purported exercise of their powers under this Schedule shall not be void by reason only that it was carried out either—
 - (a) in contravention of a direction given by the Secretary of State under sub-paragraph (3) above, or
 - (b) without the consent mentioned in sub-paragraph (4) above having been obtained.”

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SCHEDULE 2

Section 11.

NEW TOWNS IN WALES

The Development of Rural Wales Act 1976 (c. 75)

1

F1

Textual Amendments

- F1** Sch. 2 para. 1 repealed (1.10.1998) by 1998 c. 38, S. 152. Sch. 18 Pt. IV (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, art. 4

The New Towns Act 1981 (c. 64)[^{F2}2

In section 56 of the New Towns Act 1981 (application to the Development Board for Rural Wales of the housing transfer provisions)—

- (a) subsection (3) shall be omitted; and
- (b) in subsection (4), for the words “The Board’s right under subsection (3) above” there shall be substituted the words “Where, under section 44(7A) (a) above, a transfer scheme confers on the Board a right to nominate tenants, that right”.]

Textual Amendments

- F2** Ss. 3, 4, Sch. 2 para. 2, Sch. 3 para. 7 repealed (*prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(4), 195(2), Sch. 12 Pt. II

SCHEDULE 3

Section 14(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The New Towns (Scotland) Act 1968 (c. 16)

1

After section 18 of the New Towns (Scotland) Act 1968 (disposal of land by development corporation) there shall be inserted the following sections—

“18A Secretary of State’s general power.

- (1) The Secretary of State may direct a development corporation to pay to him, on the date specified in the direction, such sum as is so specified, and any sum so received by him shall, subject to section 18C(2) below, be paid into the Consolidated Fund.
- (2) Before giving a direction under this section the Secretary of State shall consult the corporation.

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- (3) The debt shall carry interest at the rate for the time being in force under section 40 of the Land Compensation (Scotland) Act 1963 from the date specified in the direction until payment.

18B Disposal of land to comply with direction under s. 18A.

- (1) Where, in order to comply with a direction under section 18A above, the corporation considers it desirable to dispose of an land, it may do so by virtue of this section.
- (2) The power of disposal by virtue of this section may be exercised notwithstanding anything in this Act but must be exercised in accordance with subsections (3) and (4) below.
- (3) The power shall not be exercised so as to dispose of land by way of standard security or charge.
- (4) In exercising the power a corporation shall comply with such directions as the Secretary of State may give to it—
- (a) for restricting the exercise of the power; or
 - (b) for requiring the power to be exercised in any manner specified in the directions.
- (5) Before giving a direction under subsection (4) above the Secretary of State shall consult the corporation unless he is satisfied that because of urgency consultation is impracticable.
- (6) Where a corporation purports to dispose of land by virtue of this section, then—
- (a) in favour of a person claiming under the corporation, the disposal so purporting to be made shall not be invalid by reason that any direction of the Secretary of State given under this section has not been complied with; and
 - (b) a person dealing with or claiming under the corporation shall not be concerned to see or enquire whether any direction has been given or complied with.
- (7) References in this section to disposing of land include references to granting an interest in or over land.

18C Payments under s. 18A treated as repayments.

- (1) The whole or part of any payment made to the Secretary of State under section 18A above shall, if the Secretary of State with the Treasury's approval so determines, be treated—
- (a) as made by way of repayment of such part of the principal of advances under section 37(1) of this Act, and
 - (b) as made in respect of the repayments due at such times, as may be so determined.
- (2) Any sum treated under subsection (1) as a repayment of a loan shall be paid by the Secretary of State into the National Loans Fund.”

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The New Towns Act 1981 (c. 64)

2 In section 17 of the New Towns Act 1981 (disposal of land by development corporations)—

(a) in subsection (2) (disposals requiring Secretary of State’s consent) there shall be added at the end the words “or

(c) to dispose of any land by way of gift”; and

(b) for subsection (4) there shall be substituted the following subsection—

“(4) A development corporation has no power to dispose of land by way of mortgage or charge.”

F33

Textual Amendments
F3 Sch. 3 para. 3 repealed (1.4.2009) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 16](#); [S.I. 2009/803](#), art. 10

4 In section 36(4) of that Act (transactions not to be invalidated by non-compliance with subsection (2), etc.), for the words “subsection (2) above” there shall be substituted the words “the obligation to have regard to the considerations specified in subsection (2) above”.

F45

Textual Amendments
F4 Sch. 3 para. 5 repealed (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 16](#); [S.I. 2008/3068](#), art. 5, [Sch.](#) (with arts. 6arts. 6-13)

6 In section 39 of that Act (power to transfer undertakings)—
(a) in subsection (5) (Parliamentary control of order reducing liabilities) for the words from “by an order” to “shall apply” there shall be substituted the words “with the Treasury’s consent, by order”, and

F5(b)

Textual Amendments
F5 Sch. 3 para. 6(b) repealed (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 16](#); [S.I. 2008/3068](#), art. 5, [Sch.](#) (with arts. 6arts. 6-13)

[F67 (1) Section 50 of that Act (district council to fund so much of the corporation’s or Commission’s debt as is attributable to transferred or managed property) shall have effect and be deemed since its original enactment on 15th November 1976 to have had effect with the substitution, for subsection (2), of the following—

“(2) In each financial year the council shall pay to the corporation a sum determined in accordance with a method specified in the scheme to be equal as nearly as practicable—

(a) except in a year to which paragraph (b) below applies, to the aggregate of the amounts referred to in subsection (2A) below; or

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(b) in a financial year in which the corporation's interest in the transferred land vests under the scheme otherwise than on 1st April, to a correspondingly reduced portion of that aggregate.

(2A) The amounts referred to in subsection (2) above are those which are payable by the corporation by way of repayment of capital and payment of interest in that year in respect of the relevant portion (for the time being determined under subsection (7) below) of the corporation's total capital loan debt.”;

and with the insertion in subsection (7), after the words “In this section”, of the words—

- “(a) “debt” includes amounts in respect of which debits and credits are made as between one account of the corporation and another (and references to the amounts payable by the corporation shall be construed accordingly); and
- (b)”;

and paragraphs (a) and (b) of the definition of “the relevant portion of the corporation's total capital loan debt” shall accordingly be sub-paragraphs (i) and (ii) of that definition.

(2) In the said section 50, after subsection (2A), there shall be inserted the following subsection—

“(2B) The council may, at any time, with the agreement of the corporation, commute the payments which would fall to be made under this section by the payment to the corporation of such capital sum as they may agree; and where any payments are so commuted (in whole or in part) any future determinations under subsection (7) below shall be such as to give effect to the commutation, whether or not the payment was in fact applied in reduction of the corporation's total capital loan debt.”]

Textual Amendments

F6 Ss. 3, 4, Sch. 2 para. 2, Sch. 3 para. 7 repealed (*prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(4), 195(2), **Sch. 12 Pt. II**

8 In section 58 of that Act (capital expenditure and revenue account advances)—
(a) in subsections (1) and (5), for the words “and on such terms” there shall be substituted the words “, carrying interest at such rates and on such other terms”; and

^{F7}(b)

and in section 61(1) the following words (to the same effect), that is to say, the words from “at a rate of interest” to the end shall be omitted.

Textual Amendments

F7 Sch. 3 para. 8(b) repealed (1.4.2009) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 16; S.I. 2009/803, art. 10**

9 Sections 63, 64 and 66 (payments to Secretary of State) shall cease to extend to Scotland (being re-enacted for Scotland in paragraph 1 above).

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- 10 In section 64 of that Act (disposals by development corporations or the Commission to meet a debt imposed under section 63)—
 - (a) in subsection (1) the words “or Commission” shall be omitted;
 - (b) in subsection (2), for the words after “notwithstanding” there shall be substituted the words “section 17(1) above and any implied restriction in Part I of this Act on the circumstances in which property of a development corporation may be disposed of, but otherwise must be exercised in accordance with the said Part I except that before giving the corporation directions under section 5(2), the Secretary of State shall consult the corporation (unless he is satisfied that, on account of urgency, such consultation is impracticable)”; and
 - (c) subsections (3) to (8) shall be omitted.
- 11 In section 74(3) of that Act (local inquiries) for paragraphs (a) to (c) there shall be substituted the words “sections 37, 40 and 41 and Schedule 10”.
- 12 (1) In section 77 of that Act (regulations and orders) in subsection (3) (power to make orders under certain sections exercisable by statutory instrument, etc.)—
 - (a) after the words “under sections 1, 2, ”, where those words first occur, there shall be inserted “39”;
 - ^{F8}(b)
 - (c) the words from “and the power” onwards shall be omitted.
 (2) After that subsection there shall be inserted the following subsection—

“(3A) Any provision of this Act conferring a power to make orders (whether exercisable by statutory instrument or otherwise), except section 40, implies a power exercisable in the same manner and subject to the same conditions of limitations, to revoke or amend any instrument made under the power.”

 (3) In subsection (4) of that section (negative procedure)—
 - (a) after the word “under”, where that word first occurs, there shall be inserted the words “any of the following provisions of”;
 - (b) for the words from “if” to “section 1 and” there shall be substituted the words “that is to say—
 - (a) an order under section 1 where”; and
 - (c) in paragraph (b), for the words “the order is” there shall be substituted the words “an order”.

Textual Amendments
F8 Sch. 3 para. 12(1)(b) repealed (1.4.2009) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 16; S.I. 2009/803, art. 10](#)

- 13 In section 80(1) of that Act (definitions), at the appropriate places, there shall be inserted the following definitions—
 - ““dispose”, in relation to property, includes the granting of any interest in or right over it;”
 and—
 - ““financial year”, in relation to a development corporation or the Commission, shall be construed in accordance with section 67(2) above;”.

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- 14 In section 82(2) of that Act (application to Scotland) in paragraph (a) for “(5)” there shall be substituted “(3A)”.
- 15 In Schedule 2 to that Act, in paragraph 1 (disposal of land when area becomes excluded from the new town)—
 - (a) in sub-paragraph (2) (which prohibits certain forms of disposal), the word “gift” shall be omitted; and
 - (b) in sub-paragraph (3) (disposals requiring Secretary of State’s consent), there shall be added at the end the words “or
 - (c) to dispose of any land by way of gift.”

F916

Textual Amendments

F9 Sch. 3 para. 16 repealed (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 16](#); [S.I. 2008/3068](#), art. 5, Sch. (with arts. 6arts. 6-13)

SCHEDULE 4

Section 14(2).

REPEALS

Chapter	Short title	Extent of repeal
1981 c. 64.	The New Towns Act 1981.	<p>In section 1(5), the words after “charge”.</p> <p>In section 5(2), the words from “This subsection” to the end.</p> <p>In section 36, in subsection (3)(b) the words from “with the approval” to “Treasury” and paragraph (d) and subsection (5).</p> <p>Section 37(7).</p> <p>In section 44(7), paragraphs (b) and (d) and the word “and” at the end of paragraph (c).</p> <p>Section 48.</p> <p>Section 54(4).</p> <p>Section 56(3).</p> <p>Section 58(2) and (4).</p> <p>In section 61(1) the words from “at a rate” to the end.</p>

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In section 63, in subsection (3), the words from “(or, in Scotland” to “1963)” and subsection (4).

In section 64, in subsection (1) the words “or Commission” and subsections (3) to (8).

In section 66(1), the words from “In the application” to “1968”.

In section 77, in subsection (3) the words from “and the power” to the end and subsection (5).

In section 82(2), paragraph (b).

In Schedule 2, in paragraph 1, in sub-paragraph (2) the word “gift” and sub-paragraph (7).

1982 c. 7.

The New Towns Act 1982.

The whole Act.

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