



# Housing and Town Development (Scotland) Act 1957

1957 CHAPTER 38 5 and 6 Eliz 2

## PART II

PROVISION OF HOUSING ACCOMMODATION AND ASSOCIATED  
TOWN DEVELOPMENT IN RELIEF OF OVER-POPULATED DISTRICTS

### *General*

**15 Extension of powers for the purposes of overspill agreements or town development schemes.**

- (1) For the purposes of executing any overspill agreement or town development scheme the receiving authority or development corporation may—
- (a) take, whether within or outside their district, any action which, apart from this section, they could lawfully take if it were for the benefit of their district, notwithstanding that it is not, or may not be, for the benefit thereof, and
  - (b) appoint the exporting authority to act as their agents for the purpose of taking any action relating to the functions of the receiving authority or corporation under the agreement or scheme;

and any exporting authority appointed as mentioned in paragraph (b) of this section may themselves incur expenditure in taking any action to which the appointment relates and shall defray any expenditure so incurred as if it were incurred within and for the benefit of their own district.

<sup>F1</sup>(2) .....

- (3) In this section any reference to action relating to the functions of the receiving authority or development corporation under any overspill agreement or town development scheme includes a reference to any survey or preparatory work required to determine the practicability of any proposed overspill agreement or town development scheme.

*Changes to legislation: There are currently no known outstanding effects for the Housing and Town Development (Scotland) Act 1957, Cross Heading: General. (See end of Document for details)*

#### Textual Amendments

**F1** S. 15(2) repealed (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\)](#), art. 1, [Sch. para. 2\(3\)](#)

## 16 Provision for failure to carry out duties under overspill agreements or town development schemes.

- (1) If a complaint is made to the Secretary of State that any local <sup>F2</sup>... authority have failed to do properly anything which they are required to do by any overspill agreement or town development scheme, or if the Secretary of State is of opinion that an investigation should be made as to whether any such authority have so failed, he may cause a local inquiry to be held into the matter.
- (2) If after such a local inquiry the Secretary of State is satisfied that there has been such a failure on the part of the authority in question, he may, after giving the authority an opportunity of making representations, make an order declaring the authority to be in default and requiring them for the purpose of remedying the default to take within such period as may be specified in the order such action as may be so specified.
- (3) If the authority declared to be in default by such an order fail to comply with any requirement thereof within the period specified therein for compliance with that requirement the Secretary of State may—
  - (a) himself take, or cause to be taken, the action to which the requirement relates, or
  - (b) make an application to the Court of Session under section ninety-one of the <sup>M1</sup>Court of Session Act, 1868, which section shall have effect as if the said action were a statutory duty of the authority.
- (4) Section one hundred and seventy of the principal Act (which relates to the exercise by the Secretary of State of powers of a local authority) shall apply—
  - (a) to any expenses incurred by the Secretary of State in taking action, or causing action to be taken, by virtue of this section, as it applies to the expenses referred to in that section, and
  - (b) to any property, debts or liabilities acquired or incurred by him by virtue of this section, as it applies to the property, debts and liabilities referred to in that section.
- (5) Section [<sup>F3</sup>210 of the <sup>M2</sup>Local Government (Scotland) Act 1973] (which contains provisions as to local inquiries) shall apply to any local inquiry held under this section.
- [<sup>F4</sup>(5A) This section shall apply in relation to Scottish Water as it applies in relation to a local authority.]
- (6) This section shall be without prejudice to any other enactment, or any provision in any agreement, under which the performance of the duties mentioned in this section may be enforced.

#### Textual Amendments

**F2** Words in s. 16(1) repealed (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\)](#), art. 1, [Sch. para. 2\(4\)\(a\)](#)

**F3** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), s. 238(2), [Sch. 12 para. 3](#)

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**Changes to legislation:** There are currently no known outstanding effects for the Housing and Town Development (Scotland) Act 1957, Cross Heading: General. (See end of Document for details)

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**F4** S. 16(5A) inserted (25.6.2003) by Water Industry (Scotland) Act 2002 Consequential Provisions) Order 2003 (S.S.I. 2003/331), art. 1, **Sch. para. 2(4)(b)**

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**Marginal Citations**

**M1** 1868 c. 100.

**M2** 1973 c. 65.

**17 Modification of s. 18(5) of 8 & 9 Geo. 6. c. 33 in relation to exporting authorities.**

Where by subsection (5) of section eighteen of the Town and Country Planning (Scotland) Act, 1945, a local planning authority, being an exporting authority, in exercising their power under that section of disposing of land comprised in an area defined by a development plan as an area of comprehensive development, and the Secretary of State in exercising his power of consenting to such disposal, are obliged to secure to any person so far as may be practicable an opportunity to obtain accommodation on that land, the obligation shall be treated as discharged if there is afforded to the person an opportunity to obtain, on land in, or in the vicinity of and readily accessible to, an area where housing accommodation has been, or is being, provided in pursuance of any such arrangements as are mentioned in subsection (1) of section eight of this Act (being arrangements to which the said local planning authority are a party), accommodation suitable to his reasonable requirements on terms such as are mentioned in the said subsection (5).

**18 Saving for necessity to obtain planning permission for development for the purposes of Part II.**

Nothing in this Part of this Act or in any authorisation given thereunder shall be taken to authorise the carrying out of any development not authorised by planning permission granted or deemed to have been granted under the <sup>M3</sup>Town and Country Planning (Scotland) Act, 1947.

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**Marginal Citations**

**M3** 1947 c. 53.

**19 Interpretation of Part II.**

(1) In this Part of, and in the Second Schedule to, this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“functions” includes powers and duties;

<sup>F5</sup>  
...

“overspill agreement” has the meaning assigned to it by subsection (1) of section nine of this Act;

“sewerage service” includes sewage disposal service;

“town development scheme” has the meaning assigned to it by subsection (1) of section ten of this Act.

(2) In this Part of, and in the Second Schedule to, this Act—

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**Changes to legislation:** *There are currently no known outstanding effects for the Housing and Town Development (Scotland) Act 1957, Cross Heading: General. (See end of Document for details)*

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- (a) any reference to water supply includes a reference to the supply of water in bulk under section nineteen of the Water (Scotland) Act, 1946;
- (b) any reference to the district of a development corporation shall be construed as a reference to the area designated under the <sup>M4</sup>New Towns Act, 1946, as the site of the new town for the purposes of which the development corporation has been established.

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**Textual Amendments**

**F5** Words in s. 19(1) repealed (25.6.2003) by [Water Industry \(Scotland\) Act 2002 Consequential Provisions\) Order 2003 \(S.S.I. 2003/331\)](#), art. 1, **Sch. para. 2(5)**

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**Marginal Citations**

**M4** 1946 c. 68.

**Changes to legislation:**

There are currently no known outstanding effects for the Housing and Town Development (Scotland) Act 1957, Cross Heading: General.