



Town Development Act 1952

1952 CHAPTER 54 15 and 16 Geo 6 and 1 Eliz 2

Participation in town development of authorities other than council of receiving district

7 Authorities eligible to participate.

In connection with the carrying out of town development within the meaning of this Act provision may be made in accordance with the two next succeeding sections with a view to the participation therein (whether by undertaking or bearing the expense of a part or the whole of the requisite operations) of—

- [^{F1}(a) the council of a district which is not a receiving district;
- (b) the [^{F2}council of a London borough]
- ^{F3}(c)
- ^{F4}(d)

and in this Act, in relation to any town development, references to an authority eligible to participate are to such a council or joint board as aforesaid, and references to an authority participating are to such a council or joint board who participate or propose to participate in the development.

Textual Amendments

- F1** S. 7(a)-(c) substituted by [Local Government Act 1972 \(c. 70\)](#), [Sch. 18 para. 3](#)
- F2** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [Sch. 8 para. 8\(2\)](#)
- F3** S. 7(c) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), [Sch. 34 Pt. XIV](#)
- F4** S. 7(d) repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3) Sch. 27 Pt.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**)

Modifications etc. (not altering text)

- C1** S. 7 amended by [Water Act 1973 \(c. 37\)](#), [Sch. 8 para. 65\(1\)](#)

Changes to legislation: There are currently no known outstanding effects for the Town Development Act 1952, Cross Heading: Participation in town development of authorities other than council of receiving district. (See end of Document for details)

8 Provision for participation by agreement.

(1) In relation to any town development within the meaning of this Act the council of a receiving district and any authority or authorities eligible to participate, may, if authorised by the Minister in that behalf, make by agreement provision for the taking by any of the parties thereto of action of a kind mentioned in this subsection notwithstanding that apart from this subsection it would not be within the powers of that party, and it shall be lawful by virtue of this subsection for the party in question to take any such action for which provision is so made.

The kinds of action for which provision may be so made are—

- (a) a party’s acting on behalf of another party in doing any thing which apart from this subsection that other party could lawfully employ an independent contractor to do, with or without power to the party so acting to employ another person or authority to do it;
- (b) any action outside their area by a [^{F5}participating council, being action]which apart from this subsection they could lawfully take if it were for the benefit of their area but which is not, or may not be, for the benefit thereof;
- (c)^{F6}
- (d) the transfer by one party to another party who are to carry out the development, or part of it, of land possessed by the transferor party which is held by them for a purpose for which the development or that part of it is required;
- (e) the re-transfer to the transferor party of land transferred by them as aforesaid, or, where a party other than the council of the receiving district are to carry out the development or part of it on land possessed by that other party, the transfer of that land to the council of the receiving district after the carrying out of the development or that part of it;
- (f)^{F7}
- (g) the making and receipt of payments by any party to or from another.

(2) Nothing in the preceding subsection shall be taken to prejudice the competence of the council of a receiving district, or of any authority eligible to participate, to make provision by agreement for any of the parties thereto—

- (a) to take action for the acquisition of land in the receiving district, whether by agreement or compulsorily, in exercise of any power in that behalf which that party has apart from that subsection,
- (b) to carry out development in the receiving district in exercise of power which that party has under any of the enactments relating to housing or to town and country planning, or
- (c) to take any other action which is within the powers of that party apart from that subsection,

and nothing in that subsection shall be taken to prejudice the competence of any of them to take any action without the agreement of any other of them which apart from that subsection they could lawfully so take.

(3) An authorisation of the Minister for the purposes of subsection (1) of this section of the making by agreement of any such provision as is therein mentioned may be limited to the making thereof in particular terms, or to a particular effect, specified by him.

(4)^{F8}

Changes to legislation: There are currently no known outstanding effects for the Town Development Act 1952, Cross Heading: Participation in town development of authorities other than council of receiving district. (See end of Document for details)

Textual Amendments

- F5** Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(1), **Sch. 25 para. 19(2)** (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), 57(6), 58)
- F6** S. 8(1)(c) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), **Sch. 34 Pt. XIV**
- F7** Ss. 2(2)(a), 3(2)(c), 8(1)(f), 14(1)(2) repealed by [Housing Finance Act 1972 \(c. 47\)](#), s. 108(4), **Sch. 11 Pt. III**
- F8** S. 8(4) repealed by [Water Act 1973 \(c. 37\)](#), Sch. 8 para. 65(2), **Sch. 9**

Modifications etc. (not altering text)

- C2** S. 8 amended by [Water Act 1973 \(c. 37\)](#), **Sch. 8 para. 65(1)**

9 Provision for participation under order of the Minister.

- (1) If an authority eligible to participate wish to take some action which could lawfully be taken by that authority by agreement between them and the council of a receiving district (with the authorisation of the Minister under subsection (1) of the last preceding section or otherwise), and the Minister, on application being made to him by that authority, is satisfied that such action—
 - (a) is required for the purposes of town development within the meaning of this Act, but
 - (b) is prevented or hampered by inability or unwillingness of the council of the receiving district to concur in providing by agreement for its being taken,he may after consultation with the council of the receiving district and the council of the county in which the receiving district is situated make provision by order—
 - (i) for authorising the authority by whom the application is made to take that action, or to assume any obligation with respect thereto for the assumption of which by them provision could be made by such an agreement, and for requiring the council of the receiving district to permit the taking by that authority of that action;
 - (ii) for imposing on the council of the receiving district any obligation with respect to that action for the assumption of which by them provision could be made by such an agreement, and for conferring on that authority the right to enforce an obligation so imposed as if it had been assumed by the council of the receiving district by agreement with that authority; and
 - (iii) if any agreement with respect to that action has been made by the council of the receiving district with that authority, for varying the terms thereof.
- (2) An order under this section may be varied or revoked by a subsequent order made by the Minister.
- (3) ^{F9}
- (4) An order shall not be made under or by virtue of this section unless—
 - (a) a draft of the order has been laid before Parliament and has been approved by resolution of each House of Parliament, or
 - (b) in the case of an order under subsection (1) of this section, assent to the making of the order has been given by the council of the receiving district, or

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- (c) in the case of a varying or revoking order under subsection (2) of this section, assent to the making of the order has been given by the council of the receiving district and by the authority on whose application the original order was made.

Textual Amendments

F9 Ss. 9(3), 15 repealed by [Water Act 1973 \(c. 37\)](#), [Sch. 9](#)

10 Contributions to authorities participating from the Exchequer and local authorities benefited.

- (1) The Minister may, in pursuance of undertakings in that behalf given by him with the approval of the Treasury, make to an authority participating in development to which section two of this Act applies contributions towards expenses incurred or to be incurred by them in relation to the development—
- (a) in the case of the council of the county in which the development is carried out, or of a county in which part of it is carried out, of any of the kinds specified in subsection (2) of that section, or
- (b) in the case of any other authority, of any of the kinds specified in paragraphs (d), (e) and (f) of the said subsection (2), or of a kind specified in paragraph (b) thereof so far as incurred for the purposes of an operation mentioned in paragraph (d) thereof or in acquiring land in substitution for land used for such purposes.
- (2) Section three of this Act shall have effect in relation to contributions under the preceding subsection with the substitution of references to the preceding subsection for references in the said section three to section two of this Act and of references to an authority participating for references in the said section three to such a council as is therein mentioned.
- (3) Where the council of a [^{F10} . . . ^{F11}district or [^{F12}London borough]] are satisfied that the provision of accommodation by any town development within the meaning of this Act will relieve congestion or over-population in their area, they may, in pursuance of undertakings in that behalf given by them . . . ^{F13}, make contributions to any authority participating in the development towards expenses incurred by them in relation to the development.

A council, when giving an undertaking under this subsection, may lay down, as conditions to which payment of the contributions undertaken to be made is to be subject, such conditions as it may appear to that council to be expedient to impose for securing the intended relief from congestion or over-population.

Textual Amendments

F10 Words substituted by [Local Government Act 1972 \(c. 70\)](#), [Sch. 18 para. 5](#)

F11 Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81: 1, 2\)](#), [Sch. 34 Pt. XIV](#)

F12 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 8\(1\)](#)

F13 Words repealed by [Local Government Act 1972 \(c. 70\)](#), [s. 185\(3\)](#)

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11 F14

Textual Amendments

F14 S. 11 repealed (with saving) by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), [Sch. 34 Pt. XIV](#)

12 F15

Textual Amendments

F15 S. 12 repealed by [Local Government Act 1972 \(c. 70\)](#), s. 185(3), [Sch. 30](#)

13 Re-transfers of land, and other adjustments, after carrying out of town development.

(1) Where—

- (a) in the carrying out of arrangements for town development in connection with which provision has been made by agreement with the authorisation of the Minister given for the purposes of subsection (1) of section eight of this Act, or by order under section nine thereof, houses or other buildings or land have come to be held, or powers have become exercisable, by an authority whose continued holding or exercise thereof would in the opinion of the Minister be contrary to the interests of good local government, or other circumstances have arisen which in the opinion of the Minister call for adjustment or rectification in the interests thereof, and
- (b) the Minister is, as respects any adjustment or rectification appearing to him to be requisite, not satisfied that adequate provision therefor has been or will be made by agreement between all authorities concerned, or satisfied that adequate provision therefor cannot be so made,

he may by order make such provision in that behalf as appears to him to be requisite.

(2) An order under this section may, without prejudice to the generality of the preceding subsection, include provision for—

- (a) requiring any authority concerned to take any action similar to any of the kinds of action specified in paragraphs (d) to (g) of subsection (1) of section eight of this Act;
- (b) extinguishing or restricting any powers which have become exercisable by any authority concerned for the purposes of town development and are not ordinarily exercisable by them;
- (c) F16

(3) An order under this section may be varied by a subsequent order made by the Minister.

(4) An order made under this section shall be subject to special parliamentary procedure.

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Textual Amendments

F16 S. 13(2)(c) repealed by Local Government Act 1972 (c. 70), **Sch. 30**

14 Supplementary provisions as to transfers of land.

(1) **F17**

(2) **F17**

(3) Section one hundred and sixty-six of the ^{M1}Local Government Act, 1933 (which relates to the application of capital money received from the disposal of land) shall have effect as respects any capital money received in respect of a transfer or re-transfer of land for which provision is made [^{F18}by agreement in connection with town development within the meaning of this Act, or by order under section 9 or section 13 of this Act.] as it has effect in relation to capital money received in respect of such transfers as are mentioned in that section.

Textual Amendments

F17 Ss. 2(2)(a), 3(2)(c), 8(1)(f), 14(1)(2) repealed by Housing Finance Act 1972 (c. 47), s. 108(4), **Sch. 11 Pt. III**

F18 Words substituted by Housing Finance Act 1972 (c. 47), **Sch. 9 para. 1**

Marginal Citations

M1 1933 c. 51.

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