



Town Development Act 1952

1952 CHAPTER 54

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—

- (a) the council of a county borough ;
- (b) the council of a county district which is not a receiving district ;
- (c) the council of the county in which the development is carried out, or of a county in which part of it is carried out; or'
- (d) a joint water or sewerage board (that is to say, a joint board constituted, for the purpose of discharging functions relating to water supply, or to sewerage or sewage disposal, under section six of the Public Health Act, 1936, or any enactment repealed by that Act, under section nine of the Water Act, 1945, or under any local enactment) on which the council of a receiving district is represented ;

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.

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.

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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 participating council of a county borough or county district or by a participating joint water or sewerage board, 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) any such action as the following by the council of the county in which the development is carried out, or of a county in which part of it is carried out, that is to say any action in relation to a receiving district which the council of any county borough could lawfully take in relation thereto apart from this subsection, including any such action for the taking of which by them the consent of the council of the receiving district would be necessary, and any action for the taking of which in relation thereto by the council of any county borough provision could be made under this subsection;
 - (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) the assignment, in connection with any such transfer or re-transfer as aforesaid, of the right to receive annual Exchequer contributions within the meaning of the Housing (Financial and Miscellaneous Provisions) Act, 1946, payable in respect of houses comprised in the transfer or re-transfer;
 - (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) For the purposes of any town development within the meaning of this Act the Minister may, on the joint application of the council of a receiving district and of any authority eligible to participate, by order empower that authority to exercise for the purpose of the sewerage of any such locality in the receiving district as is specified in the order any powers exercisable by a local authority under section fifteen of the Public Health Act, 1936, and any such order may—
- (a) provide for transferring to the authority so empowered any sewers or sewage disposal works vested in the sewerage authority for any district which comprises the specified locality or any part of that locality, and for the payment by the authority so empowered to the sewerage authority of consideration for the transfer;
 - (b) direct that any of the provisions of the Public Health Acts, 1936 and 1937, relating to sewerage or sewage disposal, or to sewers, drains, cesspools and sanitary conveniences (including the provisions of the Public Health Act, 1936, relating to the payment of compensation, the breaking open of streets and the power to enter on land) shall apply in relation to the specified locality, subject to such modifications as may be specified in the order, as if the authority so empowered were a local authority as defined by those Acts and as if sewers vested in that authority were public sewers as so defined;
 - (c) make provision, to have effect where in pursuance of the order sewers or sewage disposal works are constructed by or vested in the authority so empowered for the purposes of the sewerage of any part of the district of a sewerage authority, for requiring the sewerage authority to make contributions towards the expenses incurred by the authority so empowered in the construction or maintenance of the sewers or works, and for empowering the sewerage authority to borrow money for the payment of the contributions.

An order under this subsection may be varied or revoked by a further order made by the Minister with the assent of the authority so empowered and of the council of the receiving district.

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

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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) If—

(a) it appears to the Minister, on application in that behalf by an authority eligible to participate, that an order under subsection (4) of the last preceding section ought to be made for the purposes of any town development, but that the council of a receiving district are unwilling to join in an application for such an order, or

(b) when an order under that subsection is in force it appears to the Minister, on application in that behalf either by the authority empowered thereunder or by the council of the receiving district, that the order ought to be varied or revoked under that subsection, but that the council or authority other than the applicants are unwilling to assent to the variation or revocation,

he may make the order, or may vary or revoke the order which is in force, as the case may be, notwithstanding that the requirements of that subsection as to applications and assents are not satisfied.

(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

(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.

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 county borough or county district 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 with the approval of the Minister, 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.

11 Modifications of enactments consequential on participation by county council

Where any provision is made by agreement in connection with town development within the meaning of this Act, or by order under section nine of this Act, for action by the council of the county in which the development is carried out, or of a county in which part of it is carried out, the Minister may by order direct that any statutory provisions relating to matters with which the action is concerned shall have effect subject to such modifications specified in the order as appear to him to be requisite in consequence of the fact that the action is by that council and not by the council of a receiving district or by the council of a county borough.

An order under this section may be varied or revoked by a subsequent order made by the Minister.

12 Provision for establishment of joint bodies and participation by them

- (1) Where it appears to the Minister, on application in that behalf by two or more councils each of them being the council of a county borough or county district, to be expedient, in connection with need of theirs for securing by town development within the meaning of this Act in a locality outside their areas relief for congestion or over-population in their areas, that a joint body consisting of representatives of those councils should be established in order to facilitate participation on their behalf in the development, he may by order provide for the establishment of such a joint body for that purpose.
- (2) An order under this section shall make provision as to the functions of the joint body, and may—
 - (a) provide for rendering applicable to the joint body, in relation to the development, all or any of the provisions of this Act as to authorities, or authorities of a particular kind, eligible to participate or participating, subject to such modifications as appear to the Minister to be requisite in consequence of the fact that the action provided for is action on the part of a joint body and not of the council of a county borough or a county district; and
 - (b) direct that any statutory provisions relating to matters with which action on the part of the joint body is concerned shall have effect subject to any such modifications as aforesaid.
- (3) A joint body established under this section shall be a body corporate by such name as may be determined by the order, and shall have perpetual succession and a common

seal and power to hold land for the purposes of their functions without licence in mortmain.

- (4) An order under this section may make such provision as the Minister considers expedient with respect to the constitution of the joint body and for determining the manner in which their expenses are to be defrayed.
- (5) Before making an order under this section the Minister shall inform the council of the receiving district, or each of such districts if more than one, and any authorities eligible to participate who did not join in the application but who appear to him to be concerned, of the provision which he proposes to make by the order, and shall give them an opportunity of making representations.
- (6) An order under this section may be varied by a subsequent order made by the Minister with the assent of the constituent councils.

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) dissolving any joint body established under the last preceding section.
- (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.

14 Supplementary provisions as to transfers of land

- (1) A transfer or re-transfer of land for which provision is made by agreement in connection with town development within the meaning of this Act, or by order under

section nine or thirteen of this Act, and which comprises houses in respect of which annual Exchequer contributions within the meaning of the Housing (Financial and Miscellaneous Provisions) Act, 1946, are payable shall not affect the obligation to pay those contributions, or render payable any such contributions which would not have been payable apart from the transfer or re-transfer.

- (2) A council receiving any such annual Exchequer contributions as aforesaid by virtue of an assignment of the right to receive them made in connection with any such transfer or re-transfer as aforesaid shall carry them to the credit of their Housing Revenue Account, and shall as respects the years for which they receive them be subject, instead of the authority by whom the houses in respect of which the contributions are payable were provided if other than that council, to the obligation imposed by section five of the Housing (Financial and Miscellaneous Provisions) Act, 1946, to pay annual rate fund contributions in respect of those houses.
- (3) Section one hundred and sixty-six of the 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 as mentioned in subsection (1) of this section as it has effect in relation to capital money received in respect of such transfers as are mentioned in that section.