
STATUTORY INSTRUMENTS

1998 No. 85

URBAN DEVELOPMENT

**The Urban Development Corporations in England
(Transfer of Property, Rights and Liabilities)
(Commission for the New Towns) Order 1998**

Made - - - - *19th January 1998*
Laid before Parliament *27th January 1998*
Coming into force - - *1st April 1998*

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 165B of the Local Government, Planning and Land Act 1980(1), and of all other powers enabling him in that behalf, having consulted each local authority in whose area all or part of any urban development area in England is situated, hereby makes the following Order—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Urban Development Corporations in England (Transfer of Property, Rights and Liabilities) (Commission for the New Towns) Order 1998.

(2) This Order shall come into force on 1st April 1998.

(3) In this Order—

“the 1980 Act” means the Local Government, Planning and Land Act 1980;

“the 1981 Act” means the New Towns Act 1981(2);

“the commencement date” means the date on which this Order comes into force;

“the Commission” means the Commission for the New Towns;

“Corporation” means any of the following, namely—

the Birmingham Heartlands Development Corporation,

the Black Country Development Corporation,

the London Docklands Development Corporation,

the Merseyside Development Corporation,

(1) 1980 c. 65; section 165B was inserted by section 143(1) of the Housing Grants, Construction and Regeneration Act 1996 (c. 53) (“the 1996 Act”).

(2) 1981 c. 64.

the Plymouth Development Corporation,
the Teesside Development Corporation,
the Trafford Park Development Corporation, and
the Tyne and Wear Development Corporation.

Transfer of property, rights and liabilities to Commission

2.—(1) Subject to paragraph (2) below, any property, rights and liabilities vested in a Corporation on the commencement date are hereby transferred to the Commission on that date.

- (2) Paragraph (1) above shall not apply to any property, rights or liabilities of a Corporation—
- (a) which are proposed to be transferred under section 165 or 165A of the 1980 Act⁽³⁾; or
 - (b) which the Corporation has notified in writing to the Commission, at least 14 days before the commencement date, as property, rights and liabilities which it thinks necessary or expedient to retain for the purpose of preparing its final accounts and report and winding up its affairs.

(3) Any property, rights and liabilities remaining vested in a Corporation immediately before the dissolution date shall hereby be transferred to the Commission on that date.

(4) In this article “the dissolution date”, in relation to a Corporation, means the date on which the Corporation is dissolved by order under section 166 of the 1980 Act⁽⁴⁾.

Extended functions of Commission

3.—(1) In subsection (1) of section 36 of the 1981 Act⁽⁵⁾ (functions of Commission), in paragraph (a), for the words from “the property” to “this Act,” there shall be substituted the following sub-paragraphs—

- “(i) the property of development corporations transferred to the Commission under this Act, and
- (ii) the property of urban development corporations transferred to the Commission by order under section 165B of the Local Government, Planning and Land Act 1980,”.

(2) In subsection (2) of that section, after the words “new town” there shall be inserted the words “or urban development area”.

(3) In subsection (3) of that section, after the words “subsection (1) above” there shall be inserted the words “, so far as it relates to property of development corporations,”.

(4) After that subsection there shall be inserted the following subsection—

“(3A) Subject to the provisions of this Act and to any direction given to them by the Secretary of State under section 37 below, the Commission has power, with a view to the better fulfilment of any of the purposes mentioned in subsection (1) above, so far as it relates to property of urban development corporations,—

- (a) to acquire, hold, manage and turn to account any land or other property, including any interest in or rights over land; and
- (b) to make contributions towards the cost of providing—
 - (i) roads;

(3) Section 165 was amended by section 180 of, and Schedule 22 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) (“the 1993 Act”) and by section 143(3) of the 1996 Act; section 165A was inserted by section 180(2) of the 1993 Act and was amended by section 143(4) of the 1996 Act.

(4) It is proposed that the Corporations will be dissolved on 1st July 1998.

(5) Section 36 was amended by section 1 of, and paragraph 4 of Schedule 3 and Schedule 4 to, the New Towns and Urban Development Corporations Act 1985 (c. 5).

- (ii) water supplies;
- (iii) gas or electricity services; or
- (iv) sewerage or sewage disposal services.”

(5) In subsection (4) of that section, after the words “subsection (3)” there shall be inserted the words “or (3A)”.

(6) After subsection (4) of that section there shall be inserted the following subsection—

“(4A) In this section “urban development area” means land which is or was, or is or was part of, an urban development area (within the meaning of Part XVI of the Local Government, Planning and Land Act 1980) and—

- (a) any reference to property transferred to the Commission by order under section 165B of that Act includes a reference to rights and liabilities so transferred; and
- (b) in relation to liabilities so transferred, any reference to disposal includes a reference to extinguishment.”

Incidental and supplementary provisions

4.—(1) After subsection (1) of section 166 of the 1980 Act⁽⁶⁾ (dissolution of corporations) there shall be inserted the following subsection—

“(1A) Any property, rights and liabilities retained by an urban development corporation for the purpose of preparing its final accounts and report and winding up its affairs shall be disregarded for the purposes of subsection (1) above.”

(2) Any expenses incurred by a Corporation on or after the commencement date for the purpose of preparing its final accounts and report and winding up its affairs shall, so far as it is not defrayed out of any such property as is mentioned in article 2(2)(b) above, be defrayed by the Commission.

Signed by authority of the Secretary of State for the Environment

R.G. Caborn
Minister of State,
Department of the Environment, Transport and
the Regions

19th January 1998

⁽⁶⁾ Section 166 was amended by section 180 of the 1993 Act and by section 143(5) of the 1996 Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to the Commission for the New Towns any residual property, rights and liabilities of the eight urban development corporations (“the Corporations”) remaining in England (article 2). It is proposed that the Corporations will be dissolved on 1st July 1998.

The Order makes consequential amendments to section 36 of the New Towns Act 1981 regarding the functions of the Commission (article 3).

The Order modifies section 166 of the Local Government, Planning and Land Act 1980 so that property, rights and liabilities enabling the Corporations to discharge their remaining functions, need not be transferred to the Commission until the Corporations are dissolved (articles 2(3) and 4(1)). Any remaining expenses of the Corporations will be defrayed by the Commission (article 4(2)).