

ELIZABETH II



New Towns (Scotland) Act 1977

1977 CHAPTER 16

An Act to make provision as respects the revocation or variation of orders made under section 1, 2 or 5(1) of the New Towns (Scotland) Act 1968; and for connected purposes. [26th May 1977]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) If the Secretary of State is satisfied, after consultation with any local authorities who appear to him to be concerned, that it is expedient that the development of a new town should not be proceeded with, he may, within five years from the making of an order under section 1 of the New Towns (Scotland) Act 1968, make an order—

- (a) revoking the order made under the said section 1;
- (b) revoking or varying any order in relation to the new town made under section 2 or 5(1) of the said Act of 1968;
- (c) making provision for the transfer of all interests in property, heritable or moveable, held by the development corporation for the new town, and all rights, liabilities and obligations of the corporation to which the corporation were entitled or subject, to such winding up body within the meaning of subsection (2) below, as may be specified in the order.

(2) In this Act, “winding up body” means a development corporation or other statutory body.

(3) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may at any time be varied by a subsequent order made by the Secretary of State in like manner.

Duties and powers of winding up body.

2. An order made under section 1 of this Act may contain provision—

(a) imposing a duty on the winding up body—

(i) to manage the heritable and moveable property and interests therein, exercise the rights and meet the liabilities and obligations transferred to them by the order, and to comply with any directions which the Secretary of State may give as to the carrying out of such duties ;

(ii) to offer to sell, on the best terms that can reasonably be obtained, unless the Secretary of State and the Treasury otherwise consent, such heritable and moveable property and interests therein as the Secretary of State may specify, to such persons as the Secretary of State, after consultation with the winding up body, may specify ;

(iii) without prejudice to the powers of the Secretary of State mentioned in head (ii) above, to offer to sell to previous proprietors, on terms approved by the Secretary of State and the Treasury, interests in land which had been acquired from those proprietors by the development corporation ;

(iv) to dispose of any remaining assets on the best terms that can reasonably be obtained, unless the Secretary of State and the Treasury otherwise consent ;

(v) to complete the winding up of the new town by such date as the Secretary of State, after consultation with the winding-up body, may specify ;

(b) conferring on the winding up body the powers conferred or duties imposed by the said Act of 1968 on a development corporation for the purpose of facilitating the discharge of the functions of the winding up body, whether within or outwith the area of the new town, subject to such modifications as the Secretary of State may determine ;

(c) for such incidental, consequential and supplementary matters as appear to the Secretary of State to be appropriate.

3.—(1) The Secretary of State may, out of moneys provided by Parliament, pay to any person who was a member of a development corporation immediately before the making of an order under section 1 of this Act such sums by way of compensation for loss of office as he may, with the consent of the Minister for the Civil Service, determine.

Compensation for members or staff of development corporations and continuity of employment.

(2) The Secretary of State, with the consent of the Minister for the Civil Service, shall by regulations require the winding up body to pay, in such cases and to such extent as may be determined by or under the regulations, compensation to or in respect of persons who are or were employed by the development corporation and who suffer loss of employment or loss or diminution of emoluments in consequence of the making of an order under section 1 of this Act.

(3) Different regulations may be made under subsection (2) above in relation to different classes of persons, and any such regulations may be so framed as to have effect as from a date prior to the making thereof, so however that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person other than the winding up body in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.

(4) Regulations under subsection (2) above—

(a) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined, and

(b) may apply, with or without modifications, the provisions of any other rules or regulations relating to similar matters.

(5) Regulations under subsection (2) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) For the purposes of—

(a) the Redundancy Payments Act 1965, 1965 c. 62.

(b) the Contracts of Employment Act 1972, and 1972 c. 53.

(c) the Trade Union and Labour Relations Act 1974, 1974 c. 52.

there shall be deemed to have been no break in the employment of any person who is transferred, in consequence of an order under section 1 of this Act, from the employment of one body to that of another body.

(7) In Part III of Schedule 2 to the Pensions Increase Act 1971 c. 56. 1971, after paragraph 68 there shall be inserted the following paragraph—

“ 68A. A pension payable by virtue of regulations made under section 3(2) of the New Towns (Scotland) Act 1977.”

Compensation
for other
persons.

4. The winding up body may, with the consent of the Secretary of State, meet all reasonable claims arising from the revocation of an order as mentioned in section 1(1)(a) of this Act, being claims—

- (a) in respect of expenditure incurred by a local authority or statutory undertakers in carrying out work required in connection with the development of the new town which is rendered abortive by the revocation; or
- (b) in respect of legal and other professional expenses incurred in the course of negotiations with the development corporation which are rendered abortive by the revocation.

Financial
provisions.

5.—(1) The winding up body shall keep proper accounts and other records in relation to the accounts in connection with the exercise of their functions as respects the new town, and section 39 of the said Act of 1968 (accounts, audit, etc.) shall apply to the winding up body as it applies to a development corporation.

(2) All heritable and moveable property and interests therein and rights, liabilities and obligations relating to the new town which have not been disposed of by the date specified by the Secretary of State for the completion of the winding up of the new town shall thereafter be held or dealt with by the winding up body as their own.

(3) The winding up body shall be debited with the value of the property and interests therein and rights, mentioned in subsection (2) above, and shall be credited with the cost of meeting any outstanding liabilities and obligations so mentioned, all as assessed by the district valuer as at the date of transfer thereof, and thereafter the accounts mentioned in subsection (1) above shall be closed.

(4) Any surplus arising as a result of subsection (3) above shall be disposed of in the same manner as a surplus under section 38B of the said Act of 1968 (surplus funds of development corporations), and any deficit so arising shall be paid to the winding up body by the Secretary of State out of moneys provided by Parliament.

Amendments
and repeals.
1959 c. 51.

6.—(1) In section 78 of the Licensing (Scotland) Act 1959 (dissolution of development corporation), after “1946” there shall be inserted the words “or under section 1 of the New Towns (Scotland) Act 1977” and, in section 80 of that Act (interpretation), paragraph (i) of the proviso is hereby repealed.

1976 c. 66.

(2) In section 51 of the Licensing (Scotland) Act 1976 (dissolution of development corporation), after “1968” there shall be inserted the words “or under section 1 of the New Towns (Scotland) Act 1977” and, in section 52 of that Act (interpretation), paragraph (i) of the proviso is hereby repealed.

7.—(1) Unless the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, and any expressions used in this Act and in the said Act of 1968 shall have the same meanings in this Act as they have in that Act.

(2) This Act may be cited as the New Towns (Scotland) Act 1977 and extends to Scotland only.

c. 16

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