New Towns Act (Northern Ireland) 1965 [F1]

1965 CHAPTER 13

An Act to make provision for the creation of new towns, for the exercise by new town commissions of certain functions in relation to such towns, for the expansion or development of existing towns, and for purposes related to those matters. [24th June 1965]

F1 functions transf. by SR 1999/481

GENERAL POWERS OF THE MINISTER AND THE MINISTRY

1 Power to designate site of new town.

(1) Where the Minister of Development (in this Act referred to as "the Minister") is satisfied, after consultation with any [F2 district councils] who appear to him to be concerned, that it is expedient in the interests of Northern Ireland that any area of land (whether or not that area includes an existing town) should be developed as a new town in pursuance of this Act, he may by an order made with the concurrence of the Minister of Finance designate that area as the site of the proposed new town.

(2) An order shall not be made under this section until a draft thereof has been approved by resolution of each House of Parliament, and shall take effect subject to any modifications and adaptations which may be agreed to by both Houses of Parliament.

(3) The provisions of Part I of Schedule 1 shall have effect with respect to matters preliminary to and consequent upon the making of an order under this section.

F2 SRO (NI) 1973/285

Changes to legislation: *There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965. (See end of Document for details)*

2 New town advisory committees.

(1) For the purpose of securing the provision of advice upon any matter arising in connection with the performance of the functions under this Act of—

(a) the Minister, or

(b) the Ministry of Development (in this Act referred to as "the Ministry"), or

(c) a new town commission established in accordance with the succeeding provisions of this Act,

in relation to a new town or a proposed new town, the Minister may appoint a committee (in this section referred to as a "new town advisory committee").

(2) A new town advisory committee shall consist of[F3]. . . two members of the council of each [[F4] district] within which any part of the said area is situated, nominated by the respective councils, or such other number of members of each such council (being a number greater than two) so nominated as the Minister may, in any case, direct.

(3) A new town advisory committee may appoint one of their members to be their chairman and may regulate their procedure (including the fixing of a quorum).

(4) A new town advisory committee may act notwithstanding any vacancy in their membership.

(5) The functions of a new town advisory committee shall be—

(a) to advise the Minister or, as the case may be, the Ministry or a new town commission, upon any matter referred to them by the Minister, the Ministry and the new town commission respectively; and

(b) to make to the Minister, the Ministry or a new town commission such representations as they think proper in relation to matters affecting the new town or proposed new town.

(6) The Ministry shall, if a new town advisory committee so request, appoint an officer to be secretary of the committee, and shall make available for the purposes of the committee such other facilities as they may reasonably require.

(7) The Ministry shall pay to the members of a new town advisory committee such reasonable allowances in respect of expenses properly incurred in the performance of their duties as may be determined by the Ministry with the approval of the Ministry of Finance.

F3 SRO (NI) 1973/285
F4 SRO (NI) 1973/285

3 Power to make surveys, etc.

(1) For the purposes of any order or proposed order under section 1 with respect to a new town, the Ministry may at any time cause such surveys to be made and do all such things as are necessary or appropriate for purposes preliminary to or connected with the designation of an area under that section as the site of the new town or the creation of the new town.

(2) Without prejudice to the generality of subsection (1), the things that the Ministry may do in pursuance of that subsection shall include the provision of such services

and the carrying out of such works as are necessary or appropriate for promoting the expeditious development of the new town.

(3) Things done by the Ministry before the commencement of this Act for purposes preliminary to or connected with the designation of an area under section 1 or the creation of a new town shall be deemed to have been done under this Act as if this Act had then been in force.

4 Power to acquire land.

(1) Where an order is made under section 1 designating an area as the site of a proposed new town, the Ministry shall have power to acquire (either by agreement or compulsorily in accordance with the following provisions of this section) any land within any portion of that area which has been distinguished under paragraph 1(*b*) of Part I of Schedule 1 as land that is proposed to be acquired by the Ministry.

(2) Where the Ministry in exercise of the power conferred by subsection (1) desires to acquire any land otherwise than by agreement, the Ministry may make an order (in this section referred to as a "vesting order") vesting that land in the Ministry.

(3) Schedule 5 to the Roads Act (Northern Ireland) 1948 shall, subject to the modifications thereof specified in Schedule 2, apply for the purposes of the acquisition of land by means of a vesting order made under this section in the same manner as it applies to the acquisition of land by the Ministry within the meaning of that Act by means of a vesting order made under that Act.

(4) In any enquiry with respect to proposals for the compulsory acquisition of land under this section, the objections to which consideration shall be given shall include objections taken with respect to the location, severance or separation of individual holdings of land, to special features relating to such holdings and to any other local or individual aspect of the proposed acquisition, but shall not include any objections which question the expediency in the interests of Northern Ireland, as recognised and sanctioned by Parliament in approving the order made under section 1, of creating the proposed new town in the area designated in that order, nor shall they include any objection directed solely to the amount of compensation payable by law in respect of the acquisition.

(5) The powers conferred on the Ministry by the foregoing provisions of this section may be exercised notwithstanding that the land the subject of such exercise is the property of a [[F5] district council] or of any statutory undertakers within the meaning of the said Act of 1948, or is declared to be inalienable.

[F6](6) Nothing in this section shall authorise the Ministry to acquire, without the consent of the Ministry of Finance, any land on or in which there is, to the knowledge of the Ministry, any historic monument or archaeological object.

(7) In subsection (6), "historic monument" and "archaeological object" have the same meanings as in the Historic Monuments Act (Northern Ireland) 1971 .]

F5 SRO (NI) 1973/285
F6 1971 c. 17 (NI)

Changes to legislation: *There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965. (See end of Document for details)*

5 Power to dispose of land.

(1) Subject to subsection (2), the Ministry may dispose of any land acquired by the Ministry under section 4 for the purposes of a new town to such persons, in such manner, and on such terms or conditions as the Ministry considers expedient for securing the development of the new town.

F7(1A) Where at any time it appears to the Department that any land acquired by the Department under section 4 for the purposes of a new town is no longer required by the Department for that purpose, the Department may, subject to subsection (2), dispose of that land to such persons, in such manner and on such terms or conditions as the Department thinks fit.]

(2) [F8 Subsection (1)] shall not enable the Ministry to dispose of any land gratuitously, or at either a price or rent other than the best obtainable, or on terms other than the best obtainable, except with the approval of the Ministry of Finance.

(3) Section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 (which contains provisions with respect to the disposal of land by government departments) shall not apply to the disposal of any land under this section.

F7 1981 NI 13
F8 1981 NI 13

S. 6 rep. by 1972 NI 17

CONSTITUTION OF NEW TOWN COMMISSIONS

7 New town commissions.

(1) Where an order is made under section 1 with respect to a proposed new town, the Minister may by order establish a body (in this Act referred to as a "new town commission") to—

(a) secure the laying out and development of the new town in accordance with proposals approved by the Ministry in that behalf under the succeeding provisions of this Act (in this Act referred to as "development functions"); and

(b) exercise such further functions as may be conferred upon the new town commission by virtue of an order made under section 28 (in this Act referred to as "municipal functions").

(2) The provisions of Schedule 4 shall have effect with respect to each new town commission.

Subs. (3) rep. by 1975 c. 25

F9(4) Sections 28 to 33, 42, 46, 47 and 146 of the Local Government Act (Northern Ireland) 1972 , and section 148 of that Act so far as it applies for the interpretation of those sections, shall apply to a new town commission and their members and officers as if—

(a) in those sections any reference to a council were a reference to a new town commission, any reference to a councillor were a reference to a member of a new town commission and any reference to the clerk of a council were a

reference to the general manager of a new town commission or such other officer (if any) of a new town commission as the Ministry may specify;

(b) in section 28(4) of that Act for the words from "by any local elector" onwards there were substituted the words "by any person" .]

F9 1972 c. 9 (NI)

8 Power of Ministry to make arrangements for the transfer of staff to the service of new town commissions.

(1) The Ministry may make arrangements for transferring to the service of a new town commission (but not without the consent of the person proposed to be transferred)—

(a) any person employed by the Ministry; or

(b) any person employed by a [F10 district council] …F11 any part of whose …F11 district is included in the area designated under section 1 as the site of a new town,

and a person transferred in pursuance of such arrangements shall, subject to subsection (2), be deemed to have been appointed by the new town commission in exercise of their powers under this Act.

(2) Arrangements made under subsection (1) shall include arrangements for ensuring that a person transferred to the service of a new town commission under that subsection shall be employed by the new town commission upon terms and conditions not less favourable than those which immediately before the date of transfer applied to his employment by the Ministry or, as the case may be, the [F10 district council], with such increases of salary and other benefits as may before the date of transfer have by virtue of those terms accrued to him by efflux of time and such further increases of salary and other benefits as may have been conferred on him by the Ministry or, as the case may be, the [F10 district council] before the date of transfer.

F10 SRO (NI) 1973/285
F11 SRO (NI) 1973/285

S. 9 rep. by 1972 NI 10; SR 1981/96

10 Accounts of new town commissions, and audit.

(1) A new town commission shall keep such accounts and other records as the Ministry may direct, and all such accounts and records shall so far as is reasonably practicable distinguish the development functions of the new town commission from any municipal functions exercisable by them.

(2) A new town commission shall, as soon as may be after the close of each financial year, prepare an abstract of their accounts for that year in such form as the Ministry with the approval of the Ministry of Finance may direct, and shall transmit a copy of the abstract to the Ministry.

(3) The accounts of a new town commission shall in respect of each financial year be audited by **[**F12the local government auditor**]**, and, subject to the succeeding provisions of this section, all the enactments which relate or apply to the audit of the accounts of [F13 district councils] (including the provisions of those enactments which impose