STATUTORY INSTRUMENTS

1967 No. 338

LAND COMMISSION

The Betterment Levy (Waiver of Interest) Regulations 1967

Made - - - -	*7th March* 1967
Laid before the House of Commons	*13th March* 1967
Coming into Operation	*6th April* 1967

The Minister of Housing and Local Government and the Secretary of State, acting jointly, being for the purposes of these regulations the appropriate Ministers in relation to Great Britain, in exercise of the powers conferred on them by sections 51(4) and 98 of the Land Commission Act 1967(**a**), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, extent and commencement

1. These regulations, which may be cited as the Betterment Levy (Waiver of Interest) Regulations 1967, apply to Great Britain and shall come into operation on 6th April 1967 (being the first appointed day under the Act(**b**)).

Interpretation

2.—(1) In these regulations the following expressions have the meanings assigned to them respectively, that is to say:—

" the Act " means the Land Commission Act 1967 ;

" the Commission " means the Land Commission ;

" industrial building " has the meaning assigned to it by section 21 of the Local Employment Act 1960(**c**) as extended by subsections (1) to (3) of section 25 of the Industrial Development Act 1966(**d**), and an " extension " thereto means such an addition to an industrial building as may be indicated in a notice of assessment of levy served by the Commission in relation to a project of material development comprising that addition.

(2) Other expressions used in these regulations of which there are definitions in the Act have the meanings thereby respectively assigned to them.

(3) The Interpretation Act 1889(**e**) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Waiver of interest payable to the Commission on levy

3.—(1) Where in relation to a project of material development falling within Case C levy is charged in respect of an assessable interest in the relevant land, or in part of that land, the interest payable to the Commission on the principal amount of the levy by virtue of section 51 of the Act shall be waived in the circumstances and to the extent hereinafter mentioned.

(**a**) 1967 c. 1. (**b**) *See* S.I. 1967/146 (1967 I, p. 241). (**c**) 1960 c. 18.
(**d**) 1966 c. 34. (**e**) 1889 c. 63.

(2) Where in accordance with the provisions of section 45(2)(*a*) or 47(4) of the Act and a request in writing for that purpose, and in circumstances to which this regulation applies, the Commission think fit to postpone to the future time collection of the levy (or part of it) payable in respect of the assessable interest, the interest payable to the Commission on the principal amount of levy in respect of which the collection is so postponed, shall be waived as regards the period between the date on which the levy is charged and that future time.

(3) The reference in this regulation to the future time means the date or occasion to which collection of the levy or part of it is postponed in accordance with the notice of assessment of levy (as originally served or as amended in accordance with section 47(4) of the Act).

(4) This regulation applies in circumstances in which levy is chargeable in respect of an assessable interest in the relevant land, or in part of that land,

(*a*) which at the relevant date is—

(i) an interest in reversion expectant (whether immediately or not) on the termination of a tenancy on that land, or in part of that land ; or

(ii) as respects Scotland, the interest of the landlord in that land, or in part of that land, subject to a lease, or, as the case may be, the interest of the lessee of that land, or part of that land, who is the landlord under a sub-lease ; or

(*b*) where the relevant project consists of the erection of

(i) one or more houses of which the occupation and user will in the opinion of the Commission fall within the provisions of section 72 of the Local Government Act 1929(**a**) ; or

(ii) as respects Scotland, one or more dwelling-houses of which the occupation, user and suitability will in the opinion of the Commission fall within the provisions of section 7(4) of the Valuation and Rating (Scotland) Act 1956(**b**) ; or

(*c*) where the relevant project consists of the erection or construction of a building intended to be used wholly or mainly for the purpose of the taking of physical recreation therein ; or

(*d*) where the relevant project consists of the erection or construction of an extension to an industrial building which was in existence on 6th April 1967 ; or

(*e*) where the relevant project consists of development or use authorised by planning permission granted for a limited period.

4. Where, in a case falling within regulation 3(4)(*e*) of these regulations, the development or use continues in respect of any period subsequent to the expiration of the limited period for which a planning permission in force at the relevant date was granted, and where the notice of assessment of levy has provided for further postponement of collection of an amount of levy (whether on one or more occasions), the interest payable in respect of that amount shall be waived for the period corresponding to that in respect of which collection is further postponed.

(**a**) 1929 c. 17. (**b**) 1956 c. 60.

Given under the official seal of the Minister of Housing and Local Government on 7th March 1967.

(L.S.) *Anthony Greenwood,*
Minister of Housing and Local Government.

Given under the seal of the Secretary of State for Scotland on 7th March 1967.

(L.S.) *William Ross,*
Secretary of State for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Under section 51 of the Land Commission Act 1967 interest is payable to the Land Commission on betterment levy remaining unpaid and is calculated over the period from the date on which the levy is charged to the date of payment. Subsection (4), however, provides that in such cases and subject to such conditions as may be prescribed, interest payable by virtue of that section shall be waived or reduced to such extent as may be determined in accordance with the regulations.

These regulations deal only with waiver (and not reduction) of interest.

Where the Land Commission, following written request from the levy-payer, exercise their discretion under section 45(2) of the Act to postpone collection of the levy or part of it, interest will be payable on the unpaid levy in all cases except when falling within these Regulations. The exceptions are set out in Regulation 3(4)(*a*) to (*e*).

The Regulations apply to Great Britain.