1948; and the modifications to the Fifth Schedule to the Act provide that where applications and orders relating to the development of the specified land are dealt with Ministerially, they shall be dealt with by the Minister of Local Government and Planning, but the Minister of Fuel and Power must concur before any direction is issued excluding the Board's right to recover compensation in respect of the decision.

The Second Schedule to the Regulations lays down a special basis for calculating the compensation payable to the National Coal Board where decisions adverse to the Board are given by the Minister in relation to the underground working of coal. If the decision affects an existing mine, the compensation will cover any increased expenditure made necessary by the decision, together with a sum for any decrease in net receipts. In the case of a new mine the compensation will cover only abortive expenditure. Compensation in respect of other decisions affecting the specified land will in general be on the basis laid down for statutory undertakers by the Fourth Schedule to the Town and Country Planning Act, 1944 (Regulation 5); but under the proviso to paragraph 1 (3) of the Fifth Schedule to the Act of 1947 (as modified by the Regulations) no compensation will be payable where permission for a new tipping site is refused or granted conditionally.

TOWN AND COUNTRY PLANNING, SCOTLAND

The Claims for Depreciation of Land Values (National Coal Board) (Scotland) Regulations, 1951

1951 No. 734 (S. 35)

Made - - - -	*25th April*, 1951
Laid before Parliament	*26th April*, 1951
Coming into Operation	*10th May*, 1951

In exercise of the powers conferred on me by sections 57 and 107 of the Town and Country Planning (Scotland) Act, 1947(**a**), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Claims for Depreciation of Land Values (National Coal Board) (Scotland) Regulations, 1951, and shall come into operation on the 10th day of May, 1951.

2.—(1) In these regulations—

the expression "section 55 claim" has the meaning assigned to the expression "claim" by the Claims for Depreciation of Land Values (Scotland) Regulations, 1948(**b**);

the expression "section 56 claim" has the meaning assigned to the expression "claim" by the Planning Payments (War Damage) (Scotland) Regulations, 1949(**c**).

(2) The Interpretation Act, 1889(**d**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) 10 & 11 Geo. 6. c. 53.
(b) S.I. 1948 (No. 907) I, p. 4247.
(c) S.I. 1949 (No. 2339) I, p. 4081.
(d) 52 & 53 Vict. c. 63.

3. Notwithstanding the provisions of Regulation 4 of the Claims for Depreciation of Land Values (Scotland) Regulations, 1948 (which, as amended by Regulation 2 of the Claims for Depreciation of Land Values (Scotland) Amendment Regulations, 1948(a), require section 55 claims to be made within the period commencing on the 1st day of July, 1948, and ending on the 30th day of June, 1949) a section 55 claim may be made by the National Coal Board in respect of an interest in land (including mines) of the Board within the period commencing on the date on which these regulations come into operation and ending on the 31st day of October, 1951.

4. In relation to any section 55 claim made by the National Coal Board, the reference in Regulation 10 of the Claims for Depreciation of Land Values (Scotland) Regulations, 1948 (which makes the right to receive a payment in respect of any claim conditional upon due and punctual compliance with the regulations mentioned therein) to Regulation 4 thereof, shall be construed as a reference to the said Regulation 4 as amended by Regulation 3 of these regulations.

5. The provisions of the Planning Payments (War Damage) (Scotland) Regulations, 1949, shall apply to any section 56 claim made by the National Coal Board subject to the following modifications:—

(i) in paragraph (1) of Regulation 4 and in head (i) of paragraph (2) of Regulation 13 for the references to the 1st day of February, 1951, there shall be substituted references to the 31st day of October, 1951;

(ii) paragraphs (2) and (3) of Regulation 4 shall not apply;

(iii) in Regulation 9 the reference to Regulation 4 shall be construed as a reference to the said Regulation 4 as amended by this Regulation.

Dated this 25th day of April, 1951.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations are consequent upon the Town and Country Planning (National Coal Board) (Scotland) Regulations, 1951, which lay down the extent to which the provisions of the Town and Country Planning (Scotland) Act, 1947, relating to the operational land of statutory undertakers apply to land of the National Coal Board. The National Coal Board are now in a position to make claims for payments under the Scheme to be made under Section 55 of the Act in respect of land other than land specified in those regulations. The present regulations prescribe the period within which such claims may be lodged by the Board, notwithstanding that the normal period has already expired.

(a) S.I. 1948 (No. 2825) I, p. 4255.