STATUTORY INSTRUMENTS

1963 No. 1165 (S. 50)

ACQUISITION OF LAND

The General Grant (Relevant Expenditure) (Scotland) Regulations 1963

Made - - - -	*25th June* 1963
Laid before Parliament	*4th July* 1963
Coming into Operation	*15th July* 1963

In exercise of the powers conferred on me by paragraph 5(3) of Schedule 1 to the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958(a) and of all other powers enabling me in that behalf, I hereby, with the consent of the Treasury, make the following regulations: —

Citation and commencement

1. These regulations may be cited as the General Grant (Relevant Expenditure) (Scotland) Regulations 1963 and shall come into operation on 15th July 1963.

Interpretation

2.—(1) In these regulations, except where the context otherwise requires—

"notional loan charges" means in relation to any expenditure the amount of the annual payment that would be required to repay that expenditure if it had been borrowed from the Public Works Loan Commissioners at the time when the expenditure was defrayed and were repayable together with interest at the rate appropriate to such a borrowing, by equal annual instalments of principal and interest combined over a period of sixty years;

"paragraph 5" means paragraph 5 of Schedule 1 to the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958;

"relevant expenditure" means the expenditure mentioned in paragraph 5, and includes the cost mentioned in regulation 3 of these regulations;

"the annual equivalent of the capital value" means in respect of any land the amount of the annual payment that would be required to repay the amount represented by the capital value of that land if that last mentioned amount had been borrowed from the Public Works Loan Commissioners at the time of development, appropriation, sale or disposal, as the case may be, and were repayable, together with interest at the rate appropriate to such a borrowing, by equal annual instalments of principal and interest combined over a period of sixty years.

(a) 6 & 7 Eliz. 2. c. 64.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Appropriations, how treated

3. The appropriation of any land shall be treated as equivalent for the purposes of paragraph 5 to the acquisition of that land for the purpose for which it is appropriated at a cost equal to the amount taken as the value of the land for the purpose of adjusting the accounts of the local authority in respect of the appropriation.

Calculation of relevant expenditure

4. Relevant expenditure shall be ascertained in any year by—

(*a*) taking the total amount of: —

(i) the notional loan charges calculated by reference to capital expenditure incurred up to 15th May 1959 and treated, for the purpose of calculating grant under section 89 of the Town and Country Planning (Scotland) Act 1947(b) up to that date, as defrayed from money borrowed by the local authority,

(ii) the notional loan charges on capital expenditure, incurred on or after 16th May 1959, on a purpose for which money may be borrowed under section 258 of the Local Government (Scotland) Act 1947(c), and

(iii) the expenditure on a purpose for which money may not be so borrowed, defrayed in that year;

(*b*) taking the total amount of: —

(i) the annual equivalent of the capital value of land which was the subject of expenditure and which has at the end of that year been sold or otherwise disposed of or appropriated,

(ii) the annual equivalent of any capital receipts arising from any other action which has been the subject of expenditure (calculated as if the receipt was the capital value of land disposed of at the date of the receipt), and

(iii) the net income received during that year from land which was the subject of expenditure and which has not by the end of that year been sold or otherwise disposed of or appropriated or put to use as a public open space; and

(*c*) subtracting from the total amount arrived at under paragraph (*a*) of this regulation the total amount arrived at under paragraph (*b*) thereof.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
20th June 1963.

We consent to the making of these regulations.

Francis F. Pearson,
John Peel,
Two of the Lords Commissioners of Her Majesty's Treasury.

25th June 1963.

(a) 52 & 53 Vict. c. 63. (b) 10 & 11 Geo. 6. c. 53. (c) 10 & 11 Geo. 6. c. 43.

EXPLANATORY NOTE

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

These regulations prescribe how the amount of any expenditure incurred by a local authority under the Town and Country Planning (Scotland) Acts and eligible for general grant under the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 is to be calculated. The regulations also provide that, in this context, the appropriation of land is to be treated as equivalent to the acquisition of land.