NATIONAL PARKS AND ACCESS TO COUNTRYSIDE

1954 No. 415

The National Parks and Access to the Countryside (Grants) Regulations, 1954

Made - - - -	30*th March*, 1954
Laid before Parliament	31*st March*, 1954
Coming into Operation	8*th April*, 1954

The Minister of Housing and Local Government, with the consent of the Treasury, in exercise of the powers conferred on him by section 97 of the National Parks and Access to the Countryside Act, 1949(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

General

1. These regulations may be cited as the National Parks and Access to the Countryside (Grants) Regulations, 1954, and shall come into operation on the eighth day of April, 1954.

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

"the Act" means the National Parks and Access to the Countryside Act, 1949;

"the Act of 1947" means the Town and Country Planning Act, 1947(b);

"year" means a period of twelve months beginning with the first day of April;

"the Minister" means the Minister of Housing and Local Government;

"the Commission" means the National Parks Commission.

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

Conditions

3. Payment of grant in pursuance of these regulations shall be dependent on the fulfilment of the following conditions:—

(*a*) that subject to such exceptions as the Minister may allow, grant shall not be payable in respect of compensation paid in connection with—

(i) the acquisition of any interest in land, or

(ii) any claim under section 70 of the Act (which relates to compensation in connection with access orders), or

(iii) any claim under subsection (3) of section 20 of the Act of 1947 (which relates to the payment of compensation where land is subject to a direction under section 19 (2) (*b*) of the Act of 1947), or

(a) 12, 13 & 14 Geo. 6. c. 97. (b) 10 & 11 Geo. 6. c. 51. (c) 52 & 53 Vict. c. 63.

(iv) any claim under section 27 of the Act of 1947 (which relates to the payment of compensation in connection with orders requiring the discontinuance or modification of uses of land or the alteration or removal of buildings), or

(v) any claim under a tree preservation order (that is to say an order made under section 28 of the Act of 1947),

if the compensation paid exceeds the amount certified by the Valuation Office as properly payable in respect of that compensation in a certificate which shall have been obtained by the local authority;

(*b*) that the local authority shall have kept such records and furnished such information and returns as may be required by the Minister in connection with his functions under these regulations.

Provisions as to payment

4. Claims shall be submitted at such times and in such form as the Minister may determine and an advance or advances of such proportion as the Minister may determine of the estimated amount of the grant payable in accordance with these regulations may be paid on account. The balance of the grant payable shall be paid and any excess of advances over grant payable shall be recoverable after the accounts of the expenditure in respect of which the claim has been made have been audited and certified and the grant payable has been ascertained.

Expenditure eligible for grant

5.—(1) Subject to the provisions of these regulations grant shall be payable by the Minister to local authorities in respect of the expenditure (being expenditure approved by the Minister with the consent of the Treasury) incurred by them in any year in the exercise,

(*a*) of their powers of erecting buildings and carrying out work under section 12 of the Act (which relates to the provision in or in the neighbourhood of a National Park of accommodation, meals, refreshments, camping sites and parking places);

(*b*) of their powers of carrying out work under section 13 of the Act (which relates to the improvement of waterways in a National Park for the purposes of open-air recreation);

(*c*) of their powers under section 26 of the Act of 1947 (which enables a local planning authority, subject to the payment of compensation in accordance with section 27 of that Act, to secure the discontinuance or modification of uses of land and the alteration or removal of buildings) as respects land in National Parks or areas of outstanding natural beauty;

(*d*) of their powers as respects such land under subsections (1) and (2) of section 89 of the Act (which relates to the planting of trees and the treatment of derelict land) and under section 28 of the Act of 1947 (which relates to tree preservation);

(*e*) of the powers conferred on them by the Act, as respects such land, for the purposes of Part V thereof (which makes provision for public access to open country) other than powers of acquiring land;

(*f*) of their powers of acquiring such land by agreement under subsection (5) of section 103 of the Act for the purposes for which land may be acquired compulsorily under section 12, 13, 76 or 89 of the Act and of their powers of acquiring such land compulsorily under the said section 12,

13, 76 or 89, provided that expenditure incurred in the acquisition of land for the purposes of the said section 76 (which enables land to be acquired for public access) shall not, unless the Minister allows, be eligible for grant, in so far as it exceeds the expenditure that would, in the opinion of the Minister, have been incurred in the payment of compensation if an access order under section 65 of the Act had been in force as respects that land;

(*g*) of their powers of acquiring land, whether by agreement or compulsorily, in the neighbourhood of a National Park for the purposes of section 12 of the Act;

(*h*) of their powers under section 92 of the Act (which relates to the appointment of wardens) as respects National Parks or areas of outstanding natural beauty.

(2) Where, under an agreement made under subsection (2) of section 13 of the Act, a local authority incur expenditure in respect of the carrying out of work by another authority, the expenditure shall be treated for the purposes of these regulations, as if it had been incurred in the exercise of the powers mentioned in sub-paragraph (*b*) of paragraph (1) of this regulation.

(3) Where, in consequence of an order made under section 26 of the Act of 1947, a purchase notice is served under section 19 of that Act, then if the interest in respect of which the notice is served is purchased in accordance with the said section 19 or compensation is payable in respect thereof under subsection (3) of section 20 of that Act, expenditure incurred in the purchase of the interest or the payment of compensation shall be treated for the purposes of these regulations as if it were expenditure incurred in the exercise of powers under the said section 26.

(4) In calculating the amount in any year of expenditure in respect of which grant is payable under these regulations the Minister may take into account such contributions, receipts or other items received by or due to the local authority in that year as he may with the consent of the Treasury determine.

Rate of grant

6. Subject to the proviso to subsection (2) of section 97 of the Act (which enacts that where expenditure has been incurred in carrying out work under section 13 of the Act in any particular case where the Minister with the consent of the Treasury determines that this provision shall apply, a grant under section 97 in respect thereof may be of any amount not exceeding the amount of the expenditure) the grant payable for any year to a local authority shall be 75 per cent. of the amount, in that year, of the local authority's expenditure in respect of which grant is payable under these regulations.

Recommendations by and Consultation with the Commission

7. Grant shall not be payable except where the Commission have recommended payment thereof or the exercise of the power giving rise to the claim for grant: provided that nothing in this regulation shall preclude the payment of grant notwithstanding that payment of the grant or the exercise of the said power has not been so recommended if the Minister after consultation with the Commission is satisfied that such payment ought to be made, and provided also that the Minister may refuse to pay grant, notwithstanding

that payment of the grant or the exercise of the power has been so recommended, if after consultation with the Commission he considers that grant ought not to be paid.

Dated this thirtieth day of March, 1954.

Given under the official seal of the Minister of Housing and Local Government.

(L.S.)

Harold Macmillan,
Minister of Housing and Local Government.

We consent.

Edward Heath.
Martin Redmayne.
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

These regulations make provision under section 97 of the National Parks and Access to the Countryside Act, 1949, for the payment of exchequer grants to local authorities (including joint boards) in respect of expenditure incurred by them in the exercise of certain of their powers under that Act and the Town and Country Planning Act, 1947. These powers are set out in regulation 5 of the regulations.

The rate of grant prescribed is 75 per cent. of the expenditure so incurred but in the particular cases mentioned in regulation 6 the grant may be of any amount not exceeding the expenditure.

NATIONAL SERVICE

1954 No. 837

The National Service (Adaptation of Enactments) (Navy, Army and Air Force Reserves) Order, 1954

Made - - - - 24*th June*, 1954
Coming into Operation 24*th June*, 1954

At the Court at Buckingham Palace, the 24th day of June, 1954

Present,

The Queen's Most Excellent Majesty in Council

Whereas by subsection (1) of Section 26 of the National Service Act, 1948(a), Her Majesty is empowered by Order in Council to direct that any enactment relating to the length or conditions of service of persons serving in the armed forces of the Crown shall, in its application to persons serving

(a) 11 & 12 Geo. 6. c. 64.