The Town and Country Planning (Development Charge Exemptions) (Scotland) Regulations, 1948*

1948 No. 1382 (S. 107)

Made - - - -	*6th May*, 1948
Coming into Operation	*1st July*, 1948†

In exercise of the powers conferred on me by proviso (*b*) to subsection (2) of section 66 of the Town and Country Planning (Scotland) Act, 1947(**a**), and of all other powers enabling me in that behalf I hereby with the consent of the Treasury make the following Regulations:—

Citation, Commencement and Interpretation

1. These Regulations may be cited as the Town and Country Planning (Development Charge Exemptions) (Scotland) Regulations, 1948, and shall come into operation on the appointed day.†

2.—(1) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, namely:—

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

" the appointed day " means the day appointed for the coming into force of the Act;

" industrial building " means a building (other than a building in or adjacent to and belonging to a quarry or mine and other than a shop) used for the carrying on of any industrial process;

" industrial process " means any process for or incidental to any of the following purposes, namely—

(*a*) the making of any article or part of any article, or

(*b*) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or breaking up or demolition, of any article, or

(*c*) without prejudice to the foregoing paragraphs, the getting, dressing or treatment of minerals,

being a process carried on in the course of trade or business, and for the purposes of this definition the expression " article " means an article of any description, including a ship or vessel;

" industrial undertaking " means an undertaking (other than a statutory undertaker or the National Coal Board) by which an industrial process is carried on;

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* These Regulations were approved by Resolution of the House of Commons, May 26th, 1948, and the House of Lords, June 3rd, 1948, in accordance with Section 66(5) of the Town and Country Planning (Scotland) Act, 1947.

† *See* S.I. 1948 No. 265, p. 4236 above.

(**a**) 10 & 11 Geo. 6. c. 53.

(**b**) 52 & 53 Vict. c. 63.

" private street " means any street maintained or liable to be maintained by any person other than a highway authority;

" private way " means a road or footpath which is not a highway;

" shop " means a building used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling of goods (excluding refreshments other than eatables not cooked on the premises, and beverages) by retail, and without prejudice to the generality of the foregoing includes a building used for the purposes of a hairdresser, undertaker, ticket agency or receiving office for goods to be washed, cleaned or repaired, or for other purposes appropriate to a shopping area but does not include a building used as an amusement arcade, pin-table saloon, funfair, garage, petrol filling station or premises licensed for the sale of exciseable liquors for consumption on the premises.

Exemptions from Development Charge

3. Operations and uses of any description specified in the Schedule to these Regulations shall be exempted from the provisions of Part VI of the Act.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

6th May, 1948.

We consent.

R. J. Taylor,
Joseph Henderson,
Two of the Lords Commissioners of His Majesty's Treasury.

6th May, 1948.

SCHEDULE

Class 1. *Rebuilding and Enlargement, Improvement or other Alteration of a Building erected after the Appointed day:—*

The rebuilding and the enlargement, improvement or other alteration, as often as the person having the right to rebuild or to carry out such operation may desire, of any building erected after the appointed day so long as the cubic content of the original building (as ascertained by external measurement) is not exceeded, in the case of a dwelling-house, by more than one tenth or 1,750 cubic feet, whichever is the greater, and in any other cases by more than one tenth. Provided that the erection on land within the curtilage of any such building of an additional building to be used in connection with the original building shall be treated as the enlargement of the original building; and where any two or more original buildings comprised in the same curtilage are used as one unit for the purposes of any institution or undertaking the reference in this paragraph to the cubic content shall be construed in relation to enlargement as a reference to the aggregate cubic content of those buildings.

In the preceding paragraph the expression " any building erected after the appointed day " includes a building in the course of erection on that day but does not include a building which has been rebuilt in accordance with the provisions of paragraph 1 of Part I of the Third Schedule to the Act.

Class 2. Land used for agriculture and forestry:—

1. The carrying out on land used for any agricultural purpose of any building or other operations (other than the erection, enlargement, improvement or alteration of dwelling-houses) requisite to the farming of the land for that purpose.

2. The carrying out on land which has been brought into use for the purposes of forestry after the appointed day of any building or other operations (other than the erection, enlargement, improvement, or alteration of dwelling-houses or of buildings used for the purposes of timber-yards or for other purposes not connected with the cultivation or felling of trees) required for the purposes of that use.

Class 3. Changes of Use in a Building used for more than one purpose:—

1. In the case of any building or other land which is in the occupation of a person by whom it is used in accordance with a planning permission granted or deemed to have been granted under Part II of the Act as to part only for a particular purpose, the use for that purpose of any additional part of the building or land not exceeding one tenth of the cubic content of the part of the building used as aforesaid for that purpose, or as the case may be, one tenth of the area of the land so used.

2. In the case of any industrial building which is in the occupation of a person by whom it is used as to part for one of the purposes included in Classes III to X of the Town and Country Planning (Use Classes for Third Schedule Purposes) (Scotland) Order, 1948, and as to part for any other of those purposes, the use of any additional part of the building for any of the purposes for which the building is so used.

Class 4. Deposit of Waste Materials:—

1. The use for the deposit of waste materials or refuse of any land comprised in a site which was at the appointed day used for the purpose of such deposit.

2. The use of any land for the spreading of dredgings.

Class 5. Buildings within the curtilage of a dwelling-house:—

The erection, construction or placing and the maintenance, improvement or other alteration within the curtilage of a dwelling-house of any building, shelter or enclosure (other than a dwelling, garage, stable, loose-box or coach-house) required for a purpose incidental to the enjoyment of the dwelling house as such; or for keeping poultry, bees, pet animals, birds or other live-stock for the domestic needs or personal enjoyment only of the occupants of the dwelling house.

Class 6. Fences, walls, etc.:—

The erection or construction and the maintenance, improvement, or other alteration, of any fences, walls, gates, posts or other similar structures.

Class 7. Changes of use of certain buildings:—

(The Classes herein referred to are the Classes set out in the Schedule to the Town and Country Planning (Use Classes for Third Schedule Purposes) (Scotland) Order, 1948.)

1. The use of any type of shop as a shop of any other type.

2. In the case of a building which is used as a general industrial building within Class IV the use of that building as a light industrial building within Class III.

3. In the case of a building which is used as a wholesale warehouse for any purpose included in Class XI the use of that building as a repository for any purpose included in Class XII.

4. In the case of a building which is used for any of the purposes included in Classes XIV, XVI, XVIII and XIX the use of that building for any other of those purposes.

Class 8. *Temporary uses of land:*—

1. The temporary use of land for any purpose for not more than 28 days in total in any calendar year and the erection or placing of moveable structures on the land for the purposes of that use.

2. The temporary use of land as a parking ground for moveable dwellings and other vehicles used for the purposes of a travelling circus, roundabout or amusement fair.

Class 9. *Camping:*—

The use of any land for camping purposes by the placing thereon of any caravan or tent.

Class 10. *Roadside milk churn stands:*—

The erection or construction and the maintenance, improvement or other alteration of roadside milk churn stands, whether on land used for the purpose of agriculture or not.

Class 11. *Industrial undertakings:*—

Where land is used by an industrial undertaking for the carrying out of any industrial process, the carrying out on that land of any of the following operations required for the purpose of that process—

(*a*) the rearrangement or replacement of private ways or private railways, sidings or conveyors;

(*b*) the rearrangement of sewers, mains, pipes, cables or other apparatus;

(*c*) the installation or erection, by way of replacement, of plant or machinery.

Class 12. *Private streets and private ways:*—

The carrying out of any works required for the maintenance or improvement of a private street or private way.

Class 13. *Repairs to pipes, cables and other apparatus:*—

The carrying out of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose.

Class 14. *Development by local authorities and statutory undertakers:*—

The erection, construction or installation and the maintenance, improvement or other alteration by local authorities or statutory undertakers of:—

(*a*) such small ancillary buildings, works or equipment as may be required for the purposes of any allotments, cemeteries, parking places, open spaces, playing fields, parks, recreation grounds, gardens, public walks or pleasure grounds belonging to or maintained by them;

(*b*) information kiosks, passenger shelters, public shelters and seats, public lavatories, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, or such other similar structures or works, as may be required in connection with the operation of any public service administered by them;

(*c*) watercourses or land drainage works;

(*d*) sewers, pipes, mains, cables or other apparatus (including gas valve governor houses in a gas distribution system and pumping stations on the line of sewers) in, under or over any land;

(*e*) electrical transmission lines, including feeder pillars, transformer kiosks or service lines;

(*f*) sea or river defence works.

Class 15. *Development by local highway authorities:*—

The erection or construction and the maintenance, improvement or other alteration by a local highway authority of buildings or works required in connection with the use, safety or enjoyment of roads.

2. The carrying out of any operations by a local highway authority for the purpose of searching for, digging, getting and carrying away gravel, sand, stone or other materials without payment under Section 123 of the Roads and Bridges (Scotland) Act, 1878(a), (which incorporates Section 80 of the General Turnpike Act, 1831(b)).

Class 16. *Advertisements:*—

The use of any site for the display of advertisements.

Class 17. *Operations carried out under Licence under the Petroleum (Production) Act,* 1934:—

The carrying out of any operations necessary for the searching and boring for and getting petroleum and natural gas and for the recovering of casinghead spirit, licensed by the Minister of Fuel and Power under the Petroleum (Production) Act, 1934(c), and the Petroleum (Production) Regulations, 1935(d), whether by Prospecting Licence or Mining Licence and the erection or construction and the maintenance, improvement or other alteration of any buildings (including plant and equipment) certified by the Secretary of State and the Minister of Fuel and Power to fall within a class necessary for the purposes of the said operations.

EXPLANATORY NOTE

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

These Regulations, which are made under Section 66 (2) (*b*) of the Town and Country Planning (Scotland) Act, 1947, specify the operations and uses of land which are exempt from development charge.

(a) 41 & 42 Vict. c. 51.
(b) 1 & 2 Will. 4. c. 43.
(c) 24 & 25 Geo. 5. c. 36.
(d) S.R. & O. 1935 (No. 426) p. 1360.