(Article 7 (3)). The range of development permitted by the Order is widened, in particular by extensions and alterations in Classes I, VI, VII and VIII and the addition of a new Class XXII; and the conditions governing such permitted development are set out opposite the description of the development, instead of appearing in different places in the Order.

The Regulations reproduce those parts of the Town and Country Planning (Making of Applications) Regulations, 1948, which were concerned with development charge. They prescribe the manner in which applications may be made to the Central Land Board to determine, confirm or vary a development charge.

The Town and Country Planning (Grants) Regulations, 1950

1950 No. 88

Made - - - -	19*th January*, 1950
Laid before Parliament	20*th January*, 1950
Coming into Operation	26*th January*, 1950

B3991

The Minister of Town and Country Planning with the consent of the Treasury in exercise of the powers conferred on him by Sections 93, 94, 95, 96, 111, and 119 of the Town and Country Planning Act, 1947(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 Town and Country Planning (Grants) Regulations, 1950, and shall come into operation on the twenty-sixth day of January, 1950.

2.—(1) In these Regulations except so far as otherwise provided:—

"the Act" means the Town and Country Planning Act, 1947;

"the Act of 1932" means the Town and Country Planning Act, 1932(b);

"the Act of 1944" means the Town and Country Planning Act, 1944(c);

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

"clearing", in relation to land, has the meaning assigned to it by Section 119 of the Act and includes the following operations in relation thereto:—

(*a*) the disconnection and filling in or removal of sewers, mains, pipes, cables or other apparatus on, over or under the land, not being operations in respect of which compensation is payable in accordance with the Fourth Schedule to the Act of 1944;

(*b*) the carrying out of the prescribed requirements with respect to the removal and reinterment of any human remains and the disposal of monuments, tombstones and other memorials and of fixtures and furnishings under Section 28 of the Act of 1944;

(a) 10 & 11 Geo. 6. c. 51. (b) 22 & 23 Geo. 5. c. 48. (c) 7 & 8 Geo. 6. c. 47.

"derelict land" means land which in the opinion of the Minister is incapable of reasonably beneficial use in its existing state, and is likely to remain so indefinitely;

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

"the Minister" means the Minister of Town and Country Planning;

"redeveloping authority" means a local authority which has acquired or appropriated or is or could be authorised to acquire or appropriate land for the redevelopment as a whole of areas of extensive war damage or areas of bad lay-out or obsolete development, or for the relocation of population or industry or the replacement of open space in the course of such redevelopment, or derelict land for the purpose of bringing it into use.

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

Conditions

*3. Subject to the provisions hereinafter contained the payment of grant in pursuance of Parts II and III of these Regulations shall be dependent upon the fulfilment of the following conditions:—

(i) that the local authority shall carry out any work of redevelopment in a reasonably expeditious manner and shall effect any disposal of land in a manner approved by the Minister;

(ii) that any negotiations for the acquisition of the land in paragraph (1) of Regulation 6 and in sub-paragraph (*b*) of paragraph (1) of Regulation 8 of these Regulations respectively referred to as Part II approved land and Part III approved land shall have been carried out by the Valuation Office and that any valuation of such land for the purposes of such acquisition shall have been made by that office;

(iii) that any valuation of such land for purposes other than acquisition shall have been made by the Valuation Office on such basis as the Minister with the consent of the Treasury may determine;

(iv) that any negotiations for the settlement of compensation payable under Part III or Part VIII of the Act (other than compensation payable in respect of land compulsorily acquired under Section 19 thereof and compensation consisting of the reimbursement of the cost of works carried out in compliance with an order made under Part III or Part VIII of the Act or under regulations made thereunder) shall have been carried out by the Valuation Office.

Provided that nothing in this Regulation shall preclude the payment of grant notwithstanding that the said conditions have not been complied with if to the satisfaction of the Minister the failure to comply therewith is attributable to the date of the coming into operation of these Regulations.

4. Any payment of grant under these Regulations shall be subject to the conditions 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 thereunder.

Provisions as to payment

5.—(1) 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

(a) 52 & 53 Vict. c. 63.

* New Regulation 3 substituted, *see* p. 1085 below.

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.

(2) The grant shall be calculated to the nearest pound, a fraction of a pound in the final result being ignored or reckoned as a pound according as it is or is not less than ten shillings.

PART II—GRANTS UNDER SECTION 93 OF THE ACT

Expenditure eligible for grant under this Part

6.—(1) Subject to the provisions of Regulations 3, 4 and 5 of these Regulations and of subsection (1) of Section 95 of the Act, grants shall be payable by the Minister to redeveloping authorities in respect of expenditure incurred by those authorities in the exercise of powers conferred in that behalf by the Act, or by the Act of 1944, in connection with the acquisition and clearing of land approved by the Minister for the purpose of this Part of these Regulations (in these Regulations referred to as "Part II approved land") being—

(*a*) land acquired for the redevelopment as a whole of areas of extensive war damage or areas of bad lay-out or obsolete development, or

(*b*) land acquired for the relocation of population or industry or the replacement of open space in the course of such redevelopment, or

(*c*) derelict land acquired for the purpose of bringing it into use, or

(*d*) land appropriated (whether before or after the passing of the Act) for any of the purposes specified in the preceding subparagraphs,

and for the purposes of this Part of these Regulations land so appropriated for any such purpose shall be treated as if it had been acquired for that purpose and at a cost of such amount as shall be assessed by valuation in accordance with condition (iii) of Regulation 3 of these Regulations.

(2) The expenditure which may be reckoned as expenditure incurred in connection with the acquisition and clearing of Part II approved land shall for the purposes of these Regulations be such as may be approved by the Minister with the consent of the Treasury after deduction of the value of any timber, apparatus or other materials removed in clearing and of such contributions under Section 73, Section 97 or Section 98 of the Act as the Minister with such consent may determine, and such expenditure (in this Part of these Regulations referred to as "the approved expenditure") may include any sums or any part of sums paid by redeveloping authorities in connection with any restriction imposed on the development or use of the land by or under any enactment (whether by way of compensation or by way of contribution towards damage or expense incurred in consequence of the restriction).

Calculation of grant

7.—(1) For the purpose of the calculation of grant Part II approved land shall be dealt with in one or more units (in this Regulation referred to as "redevelopment units") and grant in the case of each redevelopment unit shall be payable from an appropriate date (in this Regulation referred to as "the commencement date") in respect of the excess of the approved expenditure from time to time incurred appertaining to the redevelopment unit over the value for its proposed use assessed by valuation in accordance with condition (iii) of Regulation 3 of these Regulations of so much of the land of the redevelopment unit as the Minister may from time to time determine.

Provided that—

(i) in calculating the said excess no expenditure incurred after the expiration of the twelfth year from the commencement date shall be taken into account; and

(ii) at the expiration of such twelfth year or at such later date as he may determine the Minister may require the value for its proposed use of so much of the land in the redevelopment unit as he may determine to be in like manner as aforesaid re-assessed and thereafter the said excess shall be calculated accordingly;

and for the purpose of this Regulation each redevelopment unit and commencement date and each date as at which a valuation shall be made and a value brought into account shall be such as the Minister with the consent of the Treasury may determine.

(2) In the case of each redevelopment unit the said excess shall be ascertained at such intervals as the Minister may determine in each financial year and grant shall be calculated on the average of the amounts so ascertained (in this Regulation referred to as "the average excess").

(3) The grant payable in respect of the average excess for any redevelopment unit for any financial year shall be the appropriate percentage as defined by subparagraph (4) of this Regulation of the amount of the annual payment that would be required to repay a sum equal to the amount of such average excess, if such amount had been borrowed from the Public Works Loan Commissioners 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 60 years;

Provided that in the event of any change made in the course of such year and before the expiration of twelve years from the commencement date in the rate of interest chargeable by the Public Works Loan Commissioners on loans for 60 years the grant in respect of so much of such average excess as may be determined by the Minister may be calculated as if the rate had not been changed.

(4) For the purposes of this Regulation the appropriate percentage for any financial year shall be—

(*a*) in respect of land acquired for the redevelopment as a whole of areas of extensive war damage, or for the relocation of population or industry or the replacement of open space in the course of such redevelopment,

(i) for the initial period, 90 per cent. and

(ii) for the final period, 50 per cent.;

(*b*) in respect of land acquired for the redevelopment as a whole of areas of bad lay-out or obsolete development, or for relocation or replacement as aforesaid in the course of such redevelopment, or in respect of derelict land acquired for the purpose of bringing it into use, the percentage applicable for that financial year to the particular redeveloping authority according to the following table and to the scale appropriate to that authority ascertained in accordance with the Schedule to these Regulations:—

	Scale.			
	I.	II.	III.	IV.
	Per cent.	Per cent.	Per cent.	Per cent.
(i) for the initial period ...	80	70	60	50
(ii) for the intermediate period	50	50	40	30
(iii) for the final period ...	50	40	30	20

For the purposes of this paragraph of this Regulation " initial period " means a period of five years from the commencement date or such longer period therefrom not exceeding eight years as the Minister with the consent of the Treasury may in any particular case determine, " intermediate period " means a period commencing at the end of the initial period and continuing until the expiration of twelve years from the commencement date and " final period " means the residue of a period of 60 years from the commencement date commencing for the purpose of subparagraph (*a*) (ii) of this paragraph at the end of the initial period and for the purpose of subparagraph (*b*) (iii) thereof at the end of the intermediate period.

(5) Where the appropriate percentage rate of grant is less than 80 per cent. in the case of grant payable in the initial period or 50 per cent. in the case of grant payable in any other period in respect of any redevelopment unit comprising such land as is described in sub-paragraph (*b*) of paragraph (4) of this Regulation, and the annual payment referred to in paragraph (3) of this Regulation for that redevelopment unit for any financial year exceeds the sum which, after deducting the appropriate percentage rate of grant, is equivalent to the product of a rate of sixpence in the pound upon the rateable value for the area of the redeveloping authority for that year or, where there is more than one such redevelopment unit, to such proportion of such product as the annual payment for that redevelopment unit for that year bears to the annual payment for all such redevelopment units of that authority for that year, additional grant shall be payable at the rate of 10 per cent. of the amount by which the annual payment for that redevelopment unit exceeds the sum in this paragraph above specified.

For the purposes of this paragraph the words " the rateable value for the area of the redeveloping authority for that year " shall be construed in the manner provided by subsection (2) of Section 144 of the Local Government Act, 1948(a), and the product of a rate of sixpence in the pound shall be ascertained in accordance with the provisions of subsections (3) and (4) of that section.

(6) Against the grant payable to a redeveloping authority in respect of any redevelopment unit for any financial year the Minister may set off a sum calculated in such manner as he with the consent of the Treasury may determine in respect of the surplus of the value for its proposed use assessed in accordance with paragraph (1) of this Regulation of the land in any other redevelopment unit or units of that authority over the approved expenditure in such unit or units.

PART III—GRANTS UNDER SECTION 94 OF THE ACT

Expenditure eligible for grant under this Part

8.—(1) Subject to the provisions of Regulations 3, 4, 5 and 9 of these Regulations grant shall be payable by the Minister to appropriate authorities under this Part of these Regulations in respect of the following expenditure or loss namely—

(*a*) expenditure incurred by those authorities in the payment of compensation under Part III or Part VIII of the Act (other than compensation payable in respect of land compulsorily acquired by virtue of Section 19 of the Act) or in taking any action under Section 26 of the Act;

(*b*) loss incurred by those authorities in connection with the acquisition and clearing on or after the appointed day of land other than Part II

(a) 11 & 12 Geo. 6. c. 26.

approved land approved by the Minister for the purposes of this Part of these Regulations (in these Regulations referred to as "Part III approved land") being—

(i) land compulsorily acquired by virtue of Section 19 of the Act;

(ii) land acquired under Section 38, Section 40 or Section 41 of the Act;

(iii) land acquired under a notice to treat served or a contract made on or after the appointed day in pursuance of a compulsory purchase order confirmed or a consent given under the Act of 1944;

(iv) land acquired under any enactment for use as public open space, in respect of which land no other grant or contribution is payable by the Exchequer towards the cost of acquisition or clearing.

(2) The following shall be appropriate authorities under this Part of these Regulations, namely local planning authorities, the councils of counties, county boroughs, county districts, and metropolitan boroughs, the London County Council and the Common Council of the City of London.

(3) (i) The expenditure incurred in the payment of compensation under Part III or Part VIII of the Act or in taking any action under Section 26 thereof shall for the purposes of these Regulations be such expenditure as may be approved by the Minister with the consent of the Treasury after deduction of any such contributions as would be deducted under paragraph (2) of Regulation 6 of these Regulations if such Regulation applied and of such other contributions as the Minister may determine.

(ii) The loss incurred in connection with the acquisition and clearing of Part III approved land shall for the purposes of these Regulations be the excess of such expenditure in connection with such acquisition and clearing as may be approved by the Minister with the consent of the Treasury (after deduction of any such contributions or other credits and inclusion of any such payments as would be deducted and included respectively under paragraph (2) of Regulation 6 of these Regulations if such Regulation applied) over the value of the land for its proposed use after such acquisition and clearing assessed by valuation in accordance with condition (iii) of Regulation 3 of these Regulations.

Conditions of payment of grant

9. The payment of grant in pursuance of this Part of these Regulations is dependent upon the fulfilment of the following conditions namely—

(*a*) that each case is approved by the Minister for the purpose of these Regulations which approval may be given subject to a limitation of the amount of expenditure or loss which will be eligible for grant under the last preceding Regulation;

(*b*) that the appropriate authority shows to the satisfaction of the Minister—

(i) a present need for the action giving rise to the expenditure or loss or

(ii) a future need for such action and that postponement thereof would involve serious disadvantage;

(*c*) that the appropriate authority acted with reasonable care in the events which gave rise to such action;

(*d*) in the case of the acquisition and clearing of land for public open space, that such land with existing land used for public open space does not exceed the reasonable requirements for that purpose of the appropriate authority, as determined by the Minister.

Calculation of grant

10. (1)—Subject to any limitation imposed by the Minister under the last preceding Regulation and to the proviso hereinafter contained the amount of grant payable shall be a percentage of the expenditure or loss eligible for

grant ascertained under Regulation 8 of these Regulations, such percentage being the percentage which would be applicable to the appropriate authority for the financial year in which the expenditure was incurred or in the case of loss approval was given to the acquisition of Part III approved land if the grant were payable under Regulation 7 of these Regulations and the percentage were determined under paragraph (4) (*b*) thereof in respect of the final period.

Provided that if the Minister so determines grant shall be payable annually for such period as he may determine not exceeding sixty years, such annual payments being the percentage as determined in accordance with this Regulation of the amount of the annual payment that would be required to repay a sum equal to the amount of the expenditure or loss eligible for grant if such amount had been borrowed from the Public Works Loan Commissioners and were repayable, together with interest at the rate appropriate to such a borrowing, by equal annual instalments of principal and interest combined over the period of years determined by the Minister as aforesaid for the purpose of this proviso.

(2) The Minister may, notwithstanding that the amount of the loss eligible for grant has not yet been ascertained under Regulation 8 of these Regulations, make advances of grant of such amount as he thinks fit having regard to the estimated amount of such loss, and such advances shall be subject to such adjustment or recovery as may be appropriate when the amount of the loss shall have been ascertained.

PART IV—GRANTS UNDER SECTION 96 OF THE ACT

Expenditure eligible for grant under this Part

11.—(1) Subject to the provisions of Regulations 4, 5 and 12 of these Regulations, grant shall be payable by the Minister to local authorities who were interim development authorities for the purposes of the Act of 1932 or to local authorities being the constituent authorities of a joint committee who were such an interim development authority in respect of expenditure incurred by such authority or committee—

(*a*) in the payment of contributions under subsection (4) of Section 10 of the Act of 1932 in connection with applications for permission to develop land dealt with after the 11th day of May, 1943 ;

(*b*) in the payment of contributions under the said subsection (4) as applied by Section 4 of the Town and Country Planning (Interim Development) Act, 1943(**a**), or of compensation under subsection (2) of Section 7 of that Act, in respect of the revocation or modification after the date aforesaid of any permission to develop land whether granted before or after that date.

(2) Expenditure incurred in the payment of contributions or compensation specified in the preceding paragraph of this Regulation shall for the purposes of these Regulations be such as may be approved by the Minister with the consent of the Treasury after deduction of any contribution made by statutory undertakers under Section 31 of the Act of 1932.

Conditions of payment of grant

12. The payment of grant in pursuance of this Part of these Regulations is dependent upon the fufilment of the following conditions namely—

(*a*) that each case is approved by the Minister for the purpose of these Regulations which approval may be given subject to a limitation of the amount of expenditure which will be eligible for grant under the last preceding Regulation ;

(a) 6 & 7 Geo. 6. c. 29.

(*b*) that the local authority shows to the satisfaction of the Minister that disregarding the provisions of subsection (4) of Section 61 of the Act the loss or damage in respect of which the contribution or compensation was paid operated to reduce the development value on the appointed day of any interest in the land.

Calculation of grant

13. Subject to any limitation imposed by the Minister under the last preceding Regulation the amount of grant payable shall be 50 per cent. of the expenditure eligible for grant ascertained under Regulation 11 of these Regulations.

THE SCHEDULE

METHOD OF ASCERTAINING THE SCALE OF GRANT APPROPRIATE TO A LOCAL AUTHORITY

1. For the purposes of this Schedule—

(i) " the Act " means the Local Government Act, 1948.
" year " means financial year.
" Counties and County Boroughs " means Counties and County Boroughs in England and Wales.

(ii) Any reference to the rateable value for an area for a year shall be construed in the manner provided by subsection (2) of Section 144 of the Act and any reference to the net annual value for an area for a year shall be construed accordingly.

(iii) The average rateable value per head of population or of weighted population as the case may be for any areas for any year means the total of the rateable values for those areas for that year divided by the total of the populations or, as the case may be, of the weighted populations thereof for that year.

(iv) The population of any area for any year shall be calculated in the manner provided by subsection (2) of Section 15 of the Act applicable in the case of a County or County Borough for the purpose of the conclusive calculation of Exchequer Equalisation Grant payable under Section 2 of the Act.

2. The scale of grant (hereinafter in this Schedule referred to as " the scale ") appropriate to the Common Council of the City of London shall be Scale IV.

3. The scales appropriate to local authorities other than the Common Council of the City of London shall be determined annually in the manner stated in the succeeding paragraphs of this Schedule.

4. Where the local authority is the Council of a County or County Borough there shall be ascertained for the year for which the scale is required—

(*a*) the average rateable value per head of weighted population for all Counties and County Boroughs ;

(*b*) the average rateable value per head of weighted population for the Counties and County Boroughs whose rateable value per head of weighted population exceeds (*a*) ;

(*c*) the average rateable value per head of weighted population for the Counties and County Boroughs whose rateable value per head of weighted population does not exceed (*a*) ;

(*d*) the rateable value per head of weighted population for the area of the local authority ;

and thereupon the scale appropriate to the local authority for the year in question shall be determined in accordance with paragraph 7 of this Schedule.

For the purposes of this paragraph " weighted population " has the meaning assigned to it by subsection (2) of Section 3 of the Act and shall be calculated in the manner stated in paragraph 1 (iv) of this Schedule.

5. Where the local authority is the Council of a County District there shall be ascertained for the year for which the scale is required—

(*a*) the average rateable value per head of population for all Counties and County Boroughs;

(*b*) the average rateable value per head of population for the Counties and County Boroughs whose rateable value per head of population exceeds (*a*);

(*c*) the average rateable value per head of population for the Counties and County Boroughs whose rateable value per head of population does not exceed (*a*);

(*d*) the rateable value per head of population for the area of the local authority;

and thereupon the scale appropriate to the local authority for the year in question shall be determined in accordance with paragraph 7 of this Schedule.

6. Where the local authority is the Council of a Metropolitan Borough there shall be ascertained for the year for which the scale is required—

(*a*) the average rateable value per head of weighted population for all Metropolitan Boroughs;

(*b*) the average rateable value per head of weighted population for the Metropolitan Boroughs whose rateable value per head of weighted population exceeds (*a*);

(*c*) the average rateable value per head of weighted population for the Metropolitan Boroughs whose rateable value per head of weighted population does not exceed (*a*);

(*d*) the rateable value per head of weighted population for the area of the local authority;

and thereupon the scale appropriate to the local authority for the year in question shall be determined in accordance with paragraph 7 of this Schedule.

For the purposes of this paragraph "weighted population" means the figure which bears to the population of the borough for the year in question the same proportion as the net annual value for the borough for that year bears to the rateable value therefor for that year.

7. Where under paragraph 4, 5 or 6, as the case may be, of this Schedule it is found that (*d*)—

does not exceed (*c*) the scale shall be—Scale I.
exceeds (*c*) but does not exceed (*a*) the scale shall be—Scale II.
exceeds (*a*) but does not exceed (*b*) the scale shall be—Scale III.
exceeds (*b*) the scale shall be—Scale IV.

Dated this nineteenth day of January, 1950.

Given under the Official Seal of the Minister of Town and Country Planning.

(L.S.)

Lewis Silkin,
Minister of Town and Country Planning.

We consent

R. Stafford Cripps,
Richard Adams,
Two of the Lords Commissioners of His Majesty's Treasury.

EXPLANATORY NOTE

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

The purpose of these Regulations is :—

(1) to make provision under Sections 93, 94 and 96 respectively of the Town and Country Planning Act 1947, for the payment of Exchequer Grants to local authorities in respect of—

(*a*) (Section 93) expenditure incurred in the acquisition and clearing of land, being land acquired for the redevelopment as a whole of areas of extensive war damage, bad lay-out or obsolete development, or for the relocation of population or industry or replacement of open space in the course of such redevelopment, or derelict land acquired for the purpose of bringing it into use.

(*b*) (Section 94) expenditure incurred in the payment of compensation under Part III or Part VIII of the Act and loss incurred in connection with the acquisition and clearing of land excluding land comprised under (*a*).

(*c*) (Section 96) expenditure incurred in the payment in certain cases of contributions under Section 10 (4) of the Town and Country Planning Act, 1932 and of compensation under Section 7 (2) of the Town and Country Planning (Interim Development) Act, 1943.

(2) to determine the basis and method of calculation of such grants and lay down the terms and conditions of payment.

The Town and Country Planning (Grants) Amendment Regulations, 1950

1950 No. 706

Made - - - -	1*st May*, 1950
Laid before Parliament	2*nd May*, 1950
Coming into Operation	4*th May*, 1950

B4342

The Minister of Town and Country Planning with the consent of the Treasury in exercise of the powers conferred on him by Sections 93, 94, 95 and 111 of the Town and Country Planning Act, 1947(a) and of all other powers enabling him in that behalf hereby makes the following Regulations:—

1. These Regulations may be cited as the Town and Country Planning (Grants) Amendment Regulations, 1950 and shall come into operation on the fourth day of May, 1950.

2. The Town and Country Planning (Grants) Regulations, 1950(b) shall be amended by the substitution for Regulation 3 thereof, of the following Regulation :—

(a) 10 & 11 Geo. 6. c. 51.

(b) S.I. 1950 No. 88, p. 1076 above.