STATUTORY INSTRUMENTS

1964 No. 875

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Grants) Regulations 1964

Made - - - -	*15th June* 1964
Laid before Parliament	*22nd June* 1964
Coming into Operation	*1st July* 1964

The Minister of Housing and Local Government, with the consent of the Treasury, in exercise of the powers conferred on him by sections 184, 185, 186 and 221 of the Town and Country Planning Act 1962(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (Grants) Regulations 1964 and shall come into operation on 1st July 1964.

Interpretation

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

"the Act" means the Town and Country Planning Act 1962;

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

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

"the Act of 1954" means the Town and Country Planning Act 1954(d);

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

"clearing", in relation to land, has the meaning assigned to it by section 221 of the Act and includes the following operations:—

(*a*) the disconnection and filling in or removal of sewers, mains, pipes, cables or other apparatus on, over or under the land;

(*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 82 of the Act;

"financial year" means a period of 12 months beginning with the first day of April;

(a) 10 & 11 Eliz. 2. c. 38. (b) 7 & 8 Geo. 6. c. 47. (c) 10 & 11 Geo. 6. c. 51. (d) 2 & 3 Eliz. 2. c. 72.

"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 a sum borrowed from the Local Loans Fund at the time when the expenditure was defrayed, and were repayable together with interest at the rate for such a borrowing (being the appropriate rate fixed by the Treasury for loans from the Local Loans Fund, or, where there are two rates so fixed, the higher of those rates), by equal annual instalments of principal and interest combined over such period not exceeding 60 years as the Minister may determine;

"part II expenditure" or "part III expenditure" means expenditure eligible for grant under part II or III of these regulations respectively and includes in the case of part II expenditure the cost mentioned in regulation 5(2);

"preliminary development", in relation to any land approved for the purposes of part II of these regulations, means the carrying out of any work determined by the Minister either generally or in relation to particular land to be

(*a*) work preparatory to the development of the land for the purposes for which it was acquired or appropriated; or

(*b*) work comprised in the initial stages of such development.

(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.

General Conditions

3. Any payment of grant under these regulations shall be subject to the condition 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.

General provisions as to payment

4.—(1) Claims in respect of any grant payable under these regulations 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.

(2) Where in any financial year there is, on applying the provisions of sub-paragraphs (*a*) and (*b*) of regulation 7(1) to such part II approved land as the Minister may determine, an excess of the amount arrived at under the said sub-paragraph (*b*) over the amount arrived at under the said sub-paragraph (*a*) the Minister may for the purposes of calculating grant under these regulations apply the excess in reduction of any amount in respect of which grant would but for the reduction be payable in that financial year.

(3) Any grant payable under these regulations 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.

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

PART II

GRANTS UNDER SECTION 184(1)(*a*) OF THE ACT IN CONNECTION WITH ACQUISITION, CLEARING AND PRELIMINARY DEVELOPMENT OF LAND FOR WAR DAMAGE REDEVELOPMENT

Expenditure eligible for grant under this part

5.—(1) Grant shall be payable by the Minister to local authorities in respect of expenditure incurred by them, whether before or after 1st April 1964, in connection with

(*a*) the acquisition for war damage redevelopment of land approved by the Minister for the purposes of this part of the regulations (referred to in these regulations as "part II approved land") being land acquired under Part I of the Act of 1944 or section 38 or 40 of the Act of 1947 (including land acquired by virtue of section 19 of that Act) or section 68 or 71(1)(*a*) of the Act (including land acquired by virtue of sections 129 to 133 of the Act), and

(*b*) the clearing and preliminary development of any land falling within the last foregoing sub-paragraph.

(2) For the purposes of this part of these regulations land appropriated by a local authority to a purpose, being a purpose in respect of which grant would be payable thereunder in connection with the acquisition of the land had it been acquired for that purpose, shall be treated as if it had been acquired for that purpose and at a cost of such amount as shall be determined by the Minister.

(3) The expenditure which may be reckoned as expenditure incurred in connection with the acquisition, clearing and preliminary development 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 such contributions, receipts, credits, or other items received by or due to the local authority in respect of land concerned as the Minister with such consent may determine, and such expenditure may include any sums or any parts of sums paid by local 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 expenses incurred in consequence of the restriction) provided that grant has not been paid or become payable in respect thereof under these regulations or any other regulations made under sections 93 or 94 of the Act of 1947 or section 184 of the Act.

Conditions of payment of grant

6. The payment of grant in pursuance of this part of the regulations shall be dependent upon the fulfilment of the following conditions:—

(*a*) that each case is approved by the Minister for the purposes of these regulations;

(*b*) that the local authority shall, where the carrying out of any works by them is necessary to achieve the purpose for which the land was acquired, carry out the works in a reasonably expeditious manner and shall, in a case where disposal of the land is necessary to achieve the said purpose, effect its disposal in a manner approved by the Minister.

Calculation and amount of grant

7.—(1) Subject to the provisions of regulation 4(2), grant in respect of part II approved land shall be payable annually for such period in relation

to any part II expenditure as the Minister may determine (but not exceeding 60 years) and shall be in respect of each financial year 50 per cent. of the amount arrived at by—

(*a*) taking in respect of part II expenditure defrayed out of money borrowed by the local authority the amount of the notional loan charges calculated by reference to the expenditure so defrayed up to the end of the financial year for which the grant is being calculated and adding to that amount the amount of any part II expenditure defrayed in that financial year otherwise than as aforesaid ; and

(*b*) taking the amount of the annual equivalent of the capital value of so much of the approved land as the Minister shall at the end of each financial year determine plus the amount of any income received during that year in respect of the balance of the approved land ; and

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

(2) In this regulation " the annual equivalent of the capital value " means the amount of the annual payment that would be required to repay the amount represented by the capital value if that last mentioned amount had been borrowed from the Local Loans Fund at the time of development, appropriation, sale or disposal, and were repayable, together with interest at the rate for such a borrowing (being the appropriate rate fixed by the Treasury for loans from the Local Loans Fund or, where there are two rates so fixed, the higher of those rates), by equal annual instalments of principal and interest combined over a period of 60 years.

Increased rate of grant in certain cases

8. As respects land of any of the following descriptions that is to say—

(*a*) land comprised in a compulsory purchase order made by a local authority under the Act of 1944, or the Act of 1947, and confirmed before 26th February 1954, being land acquired for any of the purposes specified in subsection (5)(*a*) of section 93 of the Act of 1947 as that section had effect apart from the provisions of section 50 of the Act of 1954, and

(*b*) land acquired by agreement for any of those purposes with the consent of the Minister given before that date, and

(*c*) land appropriated by a local authority for any of those purposes before that date, and

(*d*) land acquired or appropriated for any of those purposes (whether before or after that date), being land contiguous or adjacent to and falling within any of the preceding paragraphs of this regulation,

regulation 7 shall apply as if for the references in paragraph (1) thereof to 50 per cent. and part II expenditure there were substituted, respectively, references to 90 per cent. and to such portion of part II expenditure as relates to that land:

Provided that the land is in each case approved by the Minister for the purposes of this regulation and also that grant shall not be payable in respect of any such land at a higher rate in respect of a year or part of a year which together with the preceding years or parts of years in respect of which grants at a higher rate have been paid in the case of that land, would extend beyond the total period of 5, or, as the case may be, 8 years as determined by the Minister.

PART III

GRANTS UNDER SECTION 184(1)(*b*) AND (*c*) OF THE ACT FOR COMPENSATION PAYABLE TO THE NATIONAL COAL BOARD

Expenditure eligible for grant under this part

9.—(1) Subject to the provisions of regulation 10, grant shall be payable by the Minister to local authorities under this part of these regulations in respect of expenditure incurred by those authorities in the payment of compensation in respect of land of the National Coal Board to which the relevant provisions as to statutory undertakers apply by virtue of regulations made under section 204 of the Act, being compensation payable under Part VII or Part X thereof (otherwise than as mentioned in section 170(2) or section 171(1)(*c*) of the Act), or in taking any action under section 28, section 37 or section 61(2) of the Act in respect of such land of the National Coal Board as aforesaid.

(2) The expenditure incurred as aforesaid 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 such contributions towards that expenditure as the Minister may with such consent determine.

Conditions of payment of grant

10. The payment of grant in pursuance of this part of these regulations shall be dependent upon the fulfilment of the following conditions:—

(*a*) that each case is approved by the Minister for the purposes 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; and

(*b*) that the Minister is satisfied that the local authority acted with reasonable care in the events which gave rise to the action in respect of which the expenditure was incurred.

Calculation and amount of grant

11. Subject to any limitation imposed by the Minister under the last preceding regulation, grant shall be payable annually for such period in relation to any part III expenditure as the Minister may determine (but not exceeding 60 years) and shall be in respect of any financial year 50 per cent. of the amount arrived at by taking in respect of part III expenditure defrayed out of money borrowed by the local authority the amount of the notional loan charges calculated by reference to the aggregate amount of such expenditure so defrayed up to the end of the year for which the grant is being calculated and adding to that amount the amount of any part III expenditure defrayed in that financial year otherwise than as aforesaid.

PART IV

REVOCATION AND SAVING

12.—(1) The Town and Country Planning (Grants) Regulations 1959(a) are hereby revoked.

(a) S.I. 1959/1610 (1959 II, p. 2639).

(2) Any expenditure approved by the Minister under the said regulations of 1959, being expenditure in respect of which grant is payable under these regulations, shall be deemed to be approved under these regulations.

Given under the official seal of the Minister of Housing and Local Government on 15th June 1964.

(L.S.)

Keith Joseph,
Minister of Housing
and Local Government.

We consent to the making of these regulations.

M. A. Hamilton.
Ian MacArthur.

Two of the Lords Commissioners of Her Majesty's Treasury on 15th June 1964.

EXPLANATORY NOTE

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

As a consequence of the consolidation of previous planning legislation in the Town and Country Planning Act 1962, these regulations replace (with minor amendments resulting from the passing of the Public Works Loans Act 1964 (1964 c. 9)) the Town and Country Planning (Grants) Regulations 1959. References to the corresponding section of the Act of 1962 have, wherever appropriate, been subsitituted for references to repealed provisions of earlier Acts.

The regulations

(1) provide for payment of Exchequer grants to local authorities in respect of—

(*a*) (part II of the regulations) expenditure incurred in connection with the acquisition, clearing and preliminary development of land acquired under planning powers for war damage redevelopment and in respect of land appropriated to planning purposes for such redevelopment,

(*b*) (part III) expenditure incurred in the payment of expenses in connection with restrictions on coal mining imposed by or under planning legislation ; and

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