STATUTORY INSTRUMENTS

# 1968 No. 189

# LOCAL GOVERNMENT, ENGLAND AND WALES
# TOWN AND COUNTRY PLANNING, ENGLAND AND WALES
# The Town and Country Planning (Grants) Regulations 1968

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| *Made* - - - | 14*th February* 1968 |
| *Laid before Parliament* | 22*nd February* 1968 |
| *Coming into Operation* | 8*th March* 1968 |

The Minister of Housing and Local Government, with the consent of the Treasury and after consultation with the associations of local authorities appearing to him to be concerned and the local authority with whom consultation appeared to him to be desirable, in exercise of the powers conferred on him by sections 186 and 221 of the Town and Country Planning Act 1962(**a**) and section 7 of the Local Government Act 1966(**b**) and of all other powers enabling him in that behalf, hereby makes the following regulations :—

*Citation and commencement*

**1.** These regulations may be cited as the Town and Country Planning (Grants) Regulations 1968 and shall come into operation on 8th March 1968.

*Interpretation*

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

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

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

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

"approved expenditure" means expenditure eligible for grant under regulation 5 and includes any expenditure deemed to be approved expenditure by virtue of regulation 8 ;

"approved land" means land approved by the Minister for the purpose of these regulations and includes any land deemed to be so approved by virtue of regulation 8 ;

"clearing", in relation to any approved land, has the meaning assigned to it by section 221 of the Act of 1962 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 ;

(**a**) 1962 c. 38. (**b**) 1966 c. 42. (**c**) 1944 c. 47. (**d**) 1947 c 51.

(*b*) the carrying out of the prescribed requirements with respect to 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 of 1962;

"the Minister", as respects Wales and Monmouthshire, means the Secretary of State, and otherwise means the Minister of Housing and Local Government;

"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;

"preliminary development", in relation to any approved land, 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 or redevelopment of the land; or

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

"year" means a period of twelve months beginning with the first day of April, and "the year 1967-68" means the year ending on 31st March 1968.

(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.** The payment of grant under 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;

(*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 thereunder;

(*c*) 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.

*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.

(a) 1889 c. 63.

(2) Where in any year there is, on applying the provisions of sub-paragraphs (*a*) and (*b*) of regulation 6(1) to such 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 in respect of any other approved land of the local authority apply the excess in reduction of any amount in respect of which grant would, but for the reduction, be payable in that year.

(3) Where the development or redevelopment of any approved land has been completed and the Minister is satisfied that it is expedient that the amount of grant remaining payable towards the approved expenditure in respect of that land should be paid as a single capital sum and not as two or more periodical grants, the Minister may, after consultation with the local authority concerned, determine that the said amount shall be so paid ; and in determining the amount to be paid in such a case the Minister shall have regard to the amounts which, but for this paragraph, would have been payable under the provisions of regulation 6.

(4) 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.

*Expenditure eligible for grant*

**5.**—(1) For the year 1967-68 and subsequent years, grant shall be payable by the Minister to local authorities in respect of expenditure incurred by them whether before or after 1st April 1967 in connection with—

(*a*) the acquisition of approved land under any such enactment as is mentioned in paragraph (4) of this regulation, being land concerning which the Minister is satisfied that it is required for or in connection with

(i) the development or redevelopment as a whole of any area (whether or not defined in a development plan as an area of comprehensive development), or

(ii) the relocation of population or industry, or the replacement of open space, in the course of or in consequence of such development or redevelopment, and

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

(2) For the purposes 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 approved land shall for the purpose of these regulations be such as may from time to time be determined 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 respect 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 of 1962.

(4) The enactments referred to in paragraph (1)(*a*) of this regulation are any of the following enactments, that is to say—

(*a*) sections 68, 71(1)(*a*), 130, 133 and 142 of the Act of 1962 and any corresponding provisions contained in the Act of 1944, the Act of 1947, or the Town and Country Planning Act 1959(**a**);

(*b*) section 6 of the Town Development Act 1952(**b**) so far as it has effect by virtue of subsection (6) thereof;

(*c*) (i) sections 157 and 158 of the Local Government Act 1933(**c**) as extended by section 1 of the Local Authorities (Land) Act 1963(**d**) in any case where land is acquired for the purposes of section 2 of the said Act of 1963; and

(ii) any corresponding provision of any local Act.

*Calculation and amount of grant*

**6.**—(1) Subject to paragraphs (2) and (3) of regulation 4, and to regulation 7, grant in respect of approved land shall be payable annually in relation to any approved expenditure for such period not exceeding 60 years as the Minister may from time to time determine and shall be in respect of each year 50 per cent. of the amount arrived at by—

(*a*) taking, in respect of approved expenditure defrayed out of money borrowed, or treated as borrowed, for the purpose of such expenditure, the amount of the notional loan charges calculated by reference to the 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 approved expenditure defrayed in that year otherwise than 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 year determine, plus the amount of any income received during that year in respect of the balance of the approved land,

and 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.

(**a**) 1959 c. 53. (**b**) 1952 c. 54. (**c**) 1933 c. 51. (**d**) 1963 c. 29.

*Increased rate of grant in certain cases*

**7.** 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 Town and Country Planning Act 1954(**a**), 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 land falling within any of the preceding paragraphs of this regulation,

regulation 6 shall apply as if for the references in paragraph (1) thereof to 50 per cent. and approved expenditure there were substituted, respectively, references to 90 per cent. and to such portion of approved 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.

*Revocation and savings*

**8.**—(1) The Town and Country Planning (Grants) Regulations 1964(**b**) are hereby revoked.

(2) Any expenditure incurred before 1st April 1967 and approved by the Minister under the said regulations or under any regulations revoked by the said regulations, and any land so approved, shall be deemed to be approved expenditure or approved land, as the case may be, for the purposes of these regulations.

(3) Where land has been acquired before 1st April 1967 under any enactment referred to in paragraph 5(1)(*a*) of Part I of Schedule 1 to the Local Government Act 1958(**c**) for the purposes of the development or redevelopment of any area as a whole and the acquisition, clearing and preliminary development of the land had not been completed before that date, any expenditure on the acquisition, clearing and preliminary development of that land incurred before that date, being expenditure by reference to which relevant expenditure was ascertained for the purposes of the said Act of 1958, shall be deemed to be approved expenditure, and the land shall be deemed to be approved land, for the purposes of these regulations.

(**a**) 1954 c. 72. (**b**) S.I. 1964/875 (1964 II, p. 1861). (**c**) 1958 c. 55.

Given under the official seal of the Minister of Housing and Local Government on 14th February 1968.

(L.S.)

*Anthony Greenwood,*
Minister of Housing
and Local Government.

We consent to the making of these regulations.

*E. Alan Fitch,*
*B. K. O'Malley,*
Two of the Lords Commissioners of Her Majesty's Treasury on 14th February 1968.

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## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

Section 7 of the Local Government Act 1966 empowers the Minister of Housing and Local Government and the Secretary of State to make grants to local authorities in respect of expenditure by them on the acquisition and clearing of land for the development or redevelopment of any area as a whole, and for any associated relocation of population or industry or replacement of open space.

These regulations determine the basis and method of calculation of such grants and lay down the terms and conditions under which they will be paid.

Grants under these regulations will take account of similar expenditure on the development or redevelopment of areas of extensive war damage: such expenditure was previously grant-aided under the Town and Country Planning (Grants) Regulations 1964, and those regulations are now revoked.