# The Town and Country Planning (Grants) (Scotland) Regulations, 1950

## 1950 No. 886 (S. 57)

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| *Made* - - - - | 30*th May*, 1950 |
| *Laid before Parliament* | 31*st May*, 1950 |
| *Coming into Operation* | 8*th June*, 1950 |

In exercise of the powers conferred on me by sections 89, 90, 91, 92, 107, and 113 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:—

### PART I

*General*

**1.** These regulations may be cited as the Town and Country Planning (Grants) (Scotland) Regulations, 1950, and shall come into operation on the 8th June, 1950.

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

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

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

"the Act of 1945" means the Town and Country Planning (Scotland) Act, 1945(c);

"clearing", in relation to land, has the meaning assigned to it by Section 113 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 in, 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 1945;

(*b*) the carrying out of the prescribed requirements with respect to the removal and reinterment of human remains and the disposal of tombstones, monuments or other memorials, and fixtures and furnishings in or upon the land under section 27 of the Act of 1945;

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

"financial year" means the year commencing on the 16th day of May, or, in the case of a local authority with respect to which special provision is made in a local Act, such other year as may be fixed by the local Act.

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

(a) 10 & 11 Geo. 6. c. 53. (b) 22 & 23 Geo. 5. c. 49.
(c) 8 & 9 Geo. 6. c. 33. (d) 52 & 53 Vict. c. 63.

*Conditions*

**3.** Subject to the provisions of these regulations, 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 planning authority shall carry out any works of redevelopment in a reasonably expeditious manner and shall effect any disposal of land in a manner approved by the Secretary of State;

(ii) that an estimate of the cost of acquisition of any land referred to in paragraph (1) of Regulation 6 and in subparagraph (*b*) of paragraph (1) of Regulation 8 of these regulations as Part II approved land and Part III approved land respectively shall be obtained from the Valuation Office and that the compensation paid in connection with the acquisition of any interest in such land shall not exceed the amount certified by the Valuation Office as properly payable;

(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 Secretary of State with the consent of the Treasury may determine;

(iv) that the compensation paid in respect of any claim under Part II, Part VI or Part VII of the Act (other than compensation payable in respect of land compulsorily acquired under section 17 thereof and compensation consisting of the reimbursement of the cost of works carried out in compliance with an Order made under Part II or Part VII of the Act or under regulations made thereunder) shall not exceed the amount certified by the Valuation Office as properly payable.

Provided that nothing in this Regulation shall preclude the payment of grant notwithstanding that the said conditions have not been complied with if the Secretary of State is satisfied that 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 condition that the local planning authority (*a*) shall have kept such records and furnished such information and returns as may be required by the Secretary of State in connection with his functions thereunder; (*b*) shall have produced to the auditor of their accounts and when called upon to do so to an authorised officer of the Secretary of State the said records and copies of the said information and returns, together with any references, plans or other relative documents, certificates and vouchers which the said auditor or authorised officer may require.

*Provisions as to Payment*

**5.**—(1) Claims for payment of grant shall be submitted at such times and in such form as the Secretary of State may determine and an advance or advances of such proportion as the Secretary of State may determine of the estimated amount of the grant payable in accordance with these regulations shall 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 89 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 91 of the Act, grants shall be payable by the Secretary of State to local planning 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 1945, in connection with the acquisition and clearing of land approved by the Secretary of State 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 foregoing sub-paragraphs of this paragraph,

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 Secretary of State 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 70, section 93 or section 94 of the Act as the Secretary of State 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 parts of sums paid by local planning 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 Secretary of State may from time to time determine.

Provided—

(i) that 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) that at the expiration of such twelfth year or at such later date as he may determine the Secretary of State 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 Secretary of State 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 Secretary of State 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 sixty 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 sixty years the grant in respect of so much of such average excess as may be determined by the Secretary of State 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 local planning 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 " initial period " means a period of five years from the commencement date or such longer period therefrom not exceeding eight years as the Secretary of State 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 sixty 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 a redevelopment unit comprises such land as is mentioned in subparagraph (*b*) of the last foregoing paragraph, and in any financial year

(*a*) the appropriate percentage rate of grant for that redevelopment unit as determined under the last foregoing paragraph 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, and

(*b*) the annual payment referred to in paragraph 3 of this Regulation for that redevelopment unit exceeds the sum which, after deducting the appropriate percentage rate of grant, is equivalent to the product of a rate of four and four-fifths pence, 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 the local planning authority for that year,

additional grant shall be payable at the rate of 10 per cent. of the amount by which the said annual payment for that redevelopment unit exceeds the said sum.

For the purpose of this paragraph " the product of a rate of four and four-fifths pence " means the product of a rate of four and four-fifths pence in the pound upon the rateable value for the area of the local planning authority for the financial year ascertained in accordance with the provisions of subsections (4), (5), (6) and (7) of section 145 of the Local Government Act, 1948(**a**).

(6) Against the grant payable to a local planning authority in respect of any redevelopment unit for any financial year the Secretary of State 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 90 of the Act*

*Expenditure eligible for Grant under this Part*

**8.**—(1) Subject to the provisions of Regulation 3, 4, 5 and 9 of these regulations grant shall be payable by the Secretary of State to local planning 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 II, Part VI or Part VII of the Act, other than compensation payable in respect of land compulsorily acquired by virtue of section 17 of the Act, or in taking any action under section 24 of the Act;

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

(*b*) loss incurred by those authorities in connection with the acquisition and clearing on or after the 1st day of July, 1948, of land other than Part II approved land approved by the Secretary of State 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 17 of the Act;

(ii) land acquired under section 35, section 37 or section 38 of the Act;

(iii) land acquired under a notice to treat served or a contract made on or after the 1st day of July, 1948, in pursuance of a compulsory purchase order confirmed or a consent given under the Act of 1945;

(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) (i) The expenditure incurred in the payment of compensation under Part II, Part VI or Part VII of the Act or in taking any action under section 24 thereof shall for the purpose of these regulations be such expenditure as may be approved by the Secretary of State 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 Secretary of State may determine.

(ii) The loss incurred in connection with the acquisition and clearing of Part III approved land shall for the purpose of these regulations be the excess of such expenditure in connection with such acquisition and clearing as may be approved by the Secretary of State 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 shall in each case be dependent upon the fulfilment of the following conditions, namely—

(*a*) that the case is approved by the Secretary of State 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 foregoing Regulation;

(*b*) that the local planning authority show to the satisfaction of the Secretary of State

(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 local planning 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 local planning authority, as determined by the Secretary of State.

*Calculation of Grant*

**10.**—(1) Subject to any limitation imposed by the Secretary of State under the last foregoing Regulation and to the proviso hereinafter contained the amount of grant payable shall be such percentage of the expenditure or loss eligible for grant ascertained under Regulation 8 of these regulations as would be applicable to the local planning authority for the financial year in which the expenditure was incurred, or in which, 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 subparagraph (*b*) of paragraph (4) thereof in respect of the final period.

Provided that if the Secretary of State 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 Secretary of State as aforesaid for the purpose of this proviso.

(2) The Secretary of State 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 92 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 Secretary of State to local authorities who were interim development authorities for the purposes of the Act of 1932 in respect of expenditure incurred by such authority

(*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) (Scotland) 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 purpose of these regulations be such as may be approved by the Secretary of State with the consent of the Treasury after deduction of any contribution made by statutory undertakers under section 30 of the Act of 1932.

(a) 6 & 7 Geo. 6. c. 43.

*Conditions of Payment of Grant*

**12.** The payment of grant in pursuance of this Part of these regulations shall in each case be dependent upon the fulfilment of the following conditions namely—

(*a*) that the case is approved by the Secretary of State 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 foregoing Regulation.

(*b*) that the local planning authority shows to the satisfaction of the Secretary of State that disregarding the provisions of subsection (4) of section 58 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 Secretary of State under the last foregoing Regulation the amount of grant payable shall be 50 per cent. of the expenditure eligible for grant ascertained under Regulation 11 of these regulations.

*Hector McNeil,*
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

We consent,

*H. W. Bowden,*
*Charles Royle,*
Two of the Lords Commissioners of His Majesty's Treasury.

30th May, 1950.

SCHEDULE

Regulation 7 (4)

*Method of ascertaining the scale of grant appropriate to a local planning authority*

1. For the purposes of this Schedule—

(i) " the Act " means the Local Government Act, 1948 ;

" year ", in relation to local planning authorities in Scotland, means financial year, and, in relation to counties and county boroughs in England and Wales, means the period of twelve months beginning with the 1st day of April immediately preceding the commencement of the financial year ;

" weighted population " in relation to a local planning authority in Scotland being the council of a small burgh means the population thereof plus the number of children under fifteen years of age and, in relation to any other local planning authority in Scotland, has the meaning assigned to it by subsection (2) of section 19 of the Act and shall, in both cases, be ascertained in accordance with the provisions of subsection (2) of section 31 of the Act, and, in relation to counties and county boroughs in England and Wales, has the meaning assigned to it by subsection (2) of section 3 of the Act and shall be ascertained in accordance with the provisions of subsection (2) of section 15 thereof ;

(ii) any reference to the rateable value for an area for a year shall, in relation to local planning authorities in Scotland, be construed in the manner provided by subsection (4) of section 145 of the Act, and, in relation to counties and county boroughs in England and Wales, be construed in the manner provided by subsection (2) of section 144 thereof;

(iii) the average rateable value per head of weighted population 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 weighted populations thereof for that year.

2. The scale of grant (hereafter in this Schedule referred to as "the scale") appropriate to a local planning authority shall be determined annually in the manner stated in the succeeding paragraphs of this Schedule.

3.—(1) In the case of each local planning authority there shall be ascertained for the year in question—

(*a*) the average rateable value per head of weighted population for all counties and county boroughs in England and Wales;

(*b*) the average rateable value per head of weighted population for the counties and county boroughs in England and Wales 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 in England and Wales 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 planning authority;

and thereupon, subject to the provisions of sub-paragraph (2) of this paragraph, the scale appropriate to the local planning authority for the year in question shall be determined in accordance with paragraph 4 of this Schedule.

(2) The average rateable values ascertained under heads (*a*), (*b*) and (*c*) of sub-paragraph (1) of this paragraph shall be increased by 25 per cent. in each case, and references in paragraph 4 of this Schedule to such heads shall be construed as references to such values as so increased.

4. Where under sub-paragraph (1) of paragraph 3 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.

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## 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 89, 90 and 92 respectively of the Town and Country Planning (Scotland) Act, 1947, for the payment of Exchequer Grants to local authorities in respect of—

(*a*) (Section 89) 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 layout or obsolete development or for the relocation of population or industry or replacement of open space in the course of such development of derelict land acquired for the purpose of bringing it into use;

(*b*) (Section 90) expenditure incurred in the payment of compensation under Part II or Part VII of the Act and losses incurred in connection with the acquisition and clearing of land excluding land comprised under (*a*);

(*c*) (Section 92) expenditure incurred in the payment in certain cases of contributions under section 10 (4) of the Town and Country Planning (Scotland) Act, 1932 and of compensation under section 7 (2) of the Town and Country Planning (Interim Development) (Scotland) Act, 1943.

2. To determine the basis and method of calculation of such Grants and lay down the terms and conditions of payment.

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## The Town and Country Planning (Use Classes) (Scotland) Order, 1950

### 1950 No. 1133 (S. 80)

| | |
|---|---|
| *Made* - - - - | 11*th July*, 1950 |
| *Coming into Operation* | 21*st July*, 1950 |

In exercise of the powers conferred on me by sections 10 and 107 of the Town and Country Planning (Scotland) Act, 1947(**a**), and of all other powers enabling me in that behalf, I hereby make the following Order :—

*Citation and commencement*

**1.** This Order may be cited as the Town and Country Planning (Use Classes) (Scotland) Order, 1950, and shall come into force on the 21st day of July, 1950.

*Interpretation*

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

(2) In this Order, 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 ;

" funfair " includes an amusement arcade or pin-table saloon ;

" general industrial building " means an industrial building, other than a light industrial building or a special industrial building ;

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

(*a*) the making of any article or of 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 other than agriculture, and for the purposes of this definition the expression " article " means an article of any description, including a ship or vessel ;

(a) 10 & 11 Geo. 6. c. 53. (b) 52 & 53 Vict. c. 63.