(*b*) (part IV) expenditure incurred in the payment of compensation or the taking of action under Part III or Part VIII of the Act of 1947,

(*c*) (part V) expenditure in connection with the restoration, repair and adaptation of buildings of special architectural or historic interest;

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

TOWN AND COUNTRY PLANNING, SCOTLAND

1956 No. 410 (S. 20)

The Town and Country Planning (Grants) (Scotland) Regulations, 1956

Made - - - -	19*th March*, 1956
Laid before Parliament	27*th March*, 1956
Coming into Operation	3*rd April*, 1956

In exercise of the powers conferred on me by sections 89, 91, 107 and 113 of the Town and Country Planning (Scotland) Act, 1947(**a**), as amended by sections 52 and 70 of the Town and Country Planning (Scotland) Act, 1954(**b**), 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, 1956, and shall come into operation on the 3rd day of April, 1956.

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

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

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

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

"clearing", in relation to land, has the meaning assigned to it by section 113 of the Act and includes the following operations:—

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

(*b*) the carrying out of the prescribed requirements with respect to the removal and re-interment of any human remains and the disposal of monuments, tombstones and other memorials and of fixtures and furnishings under section 27 of the Act of 1945;

"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, and references in these regulations to the 16th day of May, 1955, shall be read accordingly;

(**a**) 10 & 11 Geo. 6. c. 53. (**b**) 2 & 3 Eliz. 2. c. 73. (**c**) 8 & 9 Geo. 6. c. 33.

"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 borrowed from the Public Works Loan Commissioners at the time when the expenditure was defrayed and were repayable, together with interest at the rate appropriate to such a borrowing, by equal annual instalments of principal and interest combined over such period not exceeding sixty years as the Secretary of State may determine;

"Part II expenditure", "Part III expenditure", "Part IV expenditure" or "Part V expenditure" means expenditure eligible for grant under Part II, III, IV or V of these regulations respectively and includes in the case of Part II expenditure the cost mentioned in paragraph (2) of Regulation 5 and in the case of Part III expenditure the cost mentioned in paragraph (2) of Regulation 9;

"preliminary development", in relation to land approved for the purposes of these regulations, means the carrying out of any work determined by the Secretary of State 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 conditions that the local planning authority shall—

(*a*) 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*) 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.

General provisions as to Payment of Grant

4.—(1) Claims in respect of any grant payable under these regulations 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 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 paragraph (1) of Regulation 7 of these regulations to such Part II approved land as the Secretary of State 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 Secretary of State may for the purposes of calculating grant under any of these regulations apply the excess in reduction of any expenditure incurred in the financial year in respect of which grant would but for the reduction be payable.

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

(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.

PART II

GRANTS UNDER SECTION 89 (1) (*a*) OF THE ACT

in respect of acquisition, clearing and preliminary development of land—other than land for use as public open space

Expenditure eligible for Grant under this Part

5.—(1) Grant shall be payable by the Secretary of State to local planning authorities in respect of expenditure incurred by them whether before or after the 16th day of May, 1955, in connection with the acquisition of land approved by the Secretary of State for the purposes of this Part of these regulations (in these regulations referred to as "Part II approved land") being—

(*a*) land acquired under Part I of the Act of 1945 or sections 35 or 37 of the Act, including land acquired by virtue of section 17 of the Act, or

(*b*) any building acquired under section 38 of the Act being a building as respects which, immediately before the acquisition thereof, a building preservation order was in force or could have been made, or any building acquired by virtue of section 17 of the Act as applied by a building preservation order, or

(*c*) any land acquired under the said section 38, being land comprising or contiguous or adjacent to any such building

and in connection with the clearing and preliminary development of any land falling within sub-paragraph (*a*), (*b*) or (*c*) of this paragraph.

(2) For the purposes of this Part of these regulations land appropriated by a local planning authority for 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 Secretary of State with the consent of the Treasury.

(3) The expenditure which may be reckoned as expenditure incurred in connection with the acquisition, and clearing and preliminary development 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 such contributions, receipts, credits or other items received by or due to the local planning authority in respect of the land concerned, as the Secretary of State with such consent may determine, and such 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) provided that grant has not been paid or become payable in respect thereof under these or any other regulations made under section 89 or 90 of the Act.

Conditions of Payment of Grant

6. 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 Secretary of State for the purposes of these regulations;

(*b*) that the local planning 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 Secretary of State.

Calculation and amount of Grant

7.—(1) Subject to the provisions of paragraph (2) of Regulation 4 of these regulations grant in respect of Part II approved land shall be payable annually for such period in relation to any Part II expenditure as the Secretary of State may determine (but not exceeding sixty years) and shall in respect of each financial year be 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 planning 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 Secretary of State 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) Where before the 16th day of May, 1955, a local planning authority has developed, appropriated, sold or otherwise disposed of any Part II approved land for its ultimate purpose the Secretary of State may for the purposes of this regulation require such adjustments to be made as at that date in the capital value of the land as he may with the consent of the Treasury determine.

(3) 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 Public Works Loan Commissioners at the time of development, appropriation, sale or disposal 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.

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 planning authority under the Act of 1945, or the Act, and confirmed before the twenty-sixth day of February, nineteen hundred and fifty-four, being land acquired for any of the purposes specified in paragraph (*a*) of sub-section (5) of section 89 of the Act as that section has effect apart from the provisions of section 52 of the Act of 1954, and

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

(*c*) land appropriated by a local planning 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 7 of these regulations shall, if the land is approved by the Secretary of State for the purposes of this regulation, 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 grant shall not be payable in respect of any such land at the higher of the rates aforesaid 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 the said higher rate have been paid in the case of that land, would extend beyond the period of five years from the commencement date thereof or, as the case may be, not exceeding eight years, as may in any particular case be determined by the Secretary of State.

PART III

GRANTS UNDER SECTION 89 (1) (*a*) OF THE ACT

in respect of land for use as public open space

Expenditure eligible for Grant under this Part

9.—(1) Grant shall be payable by the Secretary of State to local planning authorities in respect of expenditure incurred by them in connection with the acquisition of land approved by the Secretary of State for the purposes of this Part of these regulations (hereinafter referred to as "Part III approved land") being 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, clearing or preliminary development, and in connection with the clearing and preliminary development of any such land.

(2) Paragraphs (2) and (3) of Regulation 5 of these regulations shall apply for the purposes of this Part of these regulations as they apply for the purposes of Part II thereof and as if they related to Part III expenditure:

Provided that where Part II approved land is appropriated for use as public open space the land shall be treated as if it had been acquired for that use at a cost of such amount as shall be determined by the Secretary of State.

Conditions of Payment of Grant

10. Regulation 6 of these regulations shall apply for the purposes of this Part of these regulations as it applies for the purposes of Part II thereof.

Calculation and amount of Grant

11. Grant in respect of Part III approved land shall be payable in respect of the amount of Part III expenditure incurred in each financial year beginning on or after the 16th day of May, 1955, and shall

(*a*) in the case of expenditure defrayed out of money borrowed by the local planning authority, be payable annually for sixty years and be 50 per cent. of the notional loan charges calculated by reference to the aggregate amount of such expenditure as so defrayed in that financial year; and

(*b*) in the case of expenditure defrayed otherwise than as aforesaid, be 50 per cent. of such expenditure:

Provided that—

(i) if in any particular case the Secretary of State is satisfied that, having regard to the expenditure in respect of which the grant is to be made and the financial circumstances of the local planning authority concerned, it is just that a higher grant should be made, the above-mentioned percentage shall in that particular case be such percentage exceeding 50 but not exceeding 75 per cent. as the Secretary of State with the consent of the Treasury may determine ; and

(ii) where grant has been paid in respect of Part III expenditure and the land is subsequently used or developed for any purpose other than public open space, the Secretary of State with the consent of the Treasury may terminate the payment of grant in respect of that expenditure and with such consent may require repayment of part or all of the grant paid in respect thereof.

PART IV

GRANTS UNDER SECTION 89 (1) (*b*) OF THE ACT in respect of compensation

Expenditure eligible for Grant under this Part

12.—(1) Subject to the provisions of Regulation 13 of these regulations, grant shall be payable annually by the Secretary of State to local planning authorities under this Part of these regulations in respect of expenditure incurred by those authorities in the payment of compensation under Part II 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 22, 23 or 24 of the Act or under the said section 22 as applied by any of the provisions of Part II of the Act.

(2) The expenditure which may be reckoned as expenditure incurred as aforesaid 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 any such contributions towards that expenditure as the Secretary of State with such consent may determine.

Conditions of Payment of Grant

13. 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 Secretary of State 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 Secretary of State is satisfied that the local planning 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

14. Subject to any limitation imposed by the Secretary of State under the last preceding regulation, grant shall be payable annually for such period in relation to any Part IV expenditure as the Secretary of State may determine (but not exceeding sixty years) and shall in respect of any financial year be 50 per cent. of the amount arrived at by taking in respect of Part IV expenditure defrayed out of money borrowed by the local planning 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 IV expenditure defrayed in that financial year otherwise than as aforesaid.

PART V

GRANTS UNDER SECTION 89 (1) (*c*) in respect of restoration, repair or adaptation of buildings of special architectural or historic interest

Expenditure eligible for Grant under this Part

15.—(1) Subject to the provisions of Regulation 16 of these regulations, grant shall be payable by the Secretary of State to local planning authorities in respect of expenditure incurred by them in connection with the carrying out of any work of restoring, repairing or adapting any buildings being work approved by the Secretary of State for the purposes of this regulation in the case of a building acquired or appropriated for any purpose mentioned in paragraph (1) of Regulation 5 and in respect of which a building preservation order was in force or could have been made immediately before such acquisition or appropriation.

(2) The expenditure which may be reckoned as expenditure incurred in connection with the carrying out of any such work 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 such contributions, receipts, credits or other items received by or due to the local planning authority in respect of the land concerned as the Secretary of State with such consent may determine.

Conditions of Payment of Grant

16. 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 Secretary of State 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 Secretary of State is satisfied that all necessary measures for the preservation of the building are being taken.

Calculation and amount of Grant

17. Subject to any limitation imposed by the Secretary of State under the last preceding regulation, Regulation 14 of these regulations shall apply for the purposes of this Part of these regulations as it applies for the purposes of Part IV thereof with the omission of the words "subject to any limitation imposed by the Secretary of State under the last preceding regulation" and the substitution for references to Part IV expenditure of references to Part V expenditure.

PART VI

TRANSITIONAL PROVISIONS

18.—(1) Where grant became payable in respect of any period ending before the 16th day of May, 1955, in pursuance of the proviso to paragraph (1) of Regulation 10 of the Town and Country Planning (Grants) (Scotland) Regulations, 1950(**a**), as amended(**b**), (hereinafter referred to as "the 1950 regulations") in respect of the expenditure or loss eligible for grant under Part III of those regulations, grant shall continue to be payable as if those regulations remained in force.

(2) Where Part III expenditure was defrayed before the 16th day of May, 1955, but grant did not become payable in respect thereof under Part III

(**a**) S.I. 1950/886 (1950 II, p. 1131). (**b**) S.I. 1954/180 (1954 II, p. 2438).

of the 1950 regulations for any period ending before that date, that expenditure shall be treated for the purposes of Regulation 11 of these regulations as if it had been defrayed on that date, and, without prejudice to the payment of grant under that regulation in respect of expenditure defrayed in the financial year beginning on that date, the provisions of that regulation shall apply to such expenditure as if in sub-paragraphs (*a*) and (*b*) thereof there were substituted for the references to 50 per cent. references to such percentage as the Secretary of State may in any particular case determine and as if proviso (i) to that regulation were omitted.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrews House,
Edinburgh, 1.
14th March, 1956.

We consent,

Martin Redmayne,
Peter Legh,
Two of the Lords Commissioners of Her Majesty's Treasury.

19th March, 1956.

EXPLANATORY NOTE

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

These regulations, made under section 89 of the Town and Country Planning (Scotland) Act, 1947 (as set out in section 52 of the Town and Country Planning (Scotland) Act, 1954) provide

(1) for payment of Exchequer Grants to local planning authorities in respect of—

(*a*) (Parts II and III) expenditure incurred in connection with the acquisition and clearing and preliminary development of land acquired for planning purposes or for the provision of public open space and in respect of land appropriated to a purpose for which grant would be payable under Parts II and III of the regulations had the land been acquired for that purpose,

(*b*) (Part IV) expenditure incurred in the payment of compensation or the taking of action under Part II or Part VII of the Act of 1947, and

(*c*) (Part V) expenditure in connection with the restoration, repair or adaptation of buildings of special architectural or historic interest, and

(2) for determining the basis and method of calculation of such grants and laying down the terms and conditions of payment.

These regulations come in place of the Town and Country Planning (Grants) (Scotland) Regulations, 1950, because of the revised scheme of planning grants to local planning authorities under the said section 89. Provision is however made for continuing payment of certain grants on the basis of the 1950 regulations during the transitional period.