1960 No. 2433 (S. 131)

The Town and Country Planning (Grants) (Scotland) Regulations, 1960

Made - - - -	*20th December*, 1960
Laid before Parliament	*29th December*, 1960
Coming into Operation	*30th December*, 1960

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 section 6 of the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958(c) 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, 1960 and shall come into operation on the 30th day of December, 1960.

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(d);

"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, 1959, shall be read accordingly;

"major redevelopment" means redevelopment of an area as a whole (including the re-location of population or industry, and the replacement

(a) 10 & 11 Geo. 6. c. 53. (b) 2 & 3 Eliz. 2. c. 73. (c) 6 & 7 Eliz. 2. c. 64.
(d) 8 & 9 Geo. 6. c. 33.

of open space, for the purposes of such redevelopment) which appears to the Secretary of State, after consultation with the local planning authority concerned, to be, by reason of the scale of the operations involved, of major importance to the proper planning of the local planning authority's district and to be likely (either by itself or along with commitments already undertaken or proposed to be undertaken by way of redevelopment by the authority) to impose an unreasonable burden on the financial resources of the local planning authority;

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

"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—

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

(*a*) the accounts of the expenditure in respect of which the claim has been made have been audited and certified, and

(*b*) 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 amount in respect of which grant would but for the reduction be payable.

(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 for major redevelopment

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, 1959, in connection with the acquisition for major re-development 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 land acquired under Part I of the Act of 1945 or section 35 or 37 of the Act, including land acquired by virtue of section 17 of the Act, and in connection with the clearing and preliminary development of any land falling within 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.

(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) 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.

PART III

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

for compensation payable to the National Coal Board

Expenditure eligible for grant under this Part

8.—(1) Subject to the provisions of the next following regulation, 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 in respect of land of the National Coal Board to which the Fifth Schedule to the Act applies by virtue of regulations under section 86 of the Act, being compensation payable 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 sections 23 or 24 of the Act in respect of such land of the National Coal Board as aforesaid.

(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

9. 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

10. 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 III 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 III 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 III expenditure defrayed in that financial year otherwise than as aforesaid.

PART IV

REVOCATION AND SAVING

11.—(1) The Town and Country Planning (Grants) (Scotland) Regulations, 1956(a) are hereby revoked.

(2) Any expenditure approved by the Secretary of State under the said Regulations of 1956, being expenditure in respect of which grant is payable under these regulations, shall be deemed to be approved under these regulations.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
19th December, 1960.

We consent,

Michael Hughes-Young,
R. Chichester-Clark,
Two of the Lords Commissioners of Her Majesty's Treasury.

20th December, 1960.

(a) S.I. 1956/410 (1956 II, p. 2377).

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 and amended by paragraph 10 of the Fourth Schedule to the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958)—

(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 major 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 the Act of 1947; and

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