1968 No. 392 (S.38)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (Grants) (Scotland) Regulations 1968

Made - - -	13*th March* 1968
Laid before Parliament	26*th March* 1968
Coming into Operation	27*th March* 1968

In exercise of the powers conferred on me by section 8 of the Local Government (Scotland) Act 1966(a) as read with section 89(4) to (6) and section 91 of the Town and Country Planning (Scotland) Act 1947(b), and of all other powers enabling me in that behalf, I hereby, with the consent of the Treasury and after consultation with such associations of local authorities as appear to me to be concerned, make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (Grants) (Scotland) Regulations 1968 and shall come into operation on 27th March 1968.

Interpretation

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

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

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

"the Act of 1959" means the Town and Country Planning (Scotland) Act 1959(d);

"the Act of 1966" means the Local Government (Scotland) Act 1966;

"approved expenditure" means expenditure eligible for grant under regulation 5 of these regulations and includes any expenditure, not being expenditure on the acquisition of land for major redevelopment or land situated within an area to which a Town Development Scheme as defined in Part II of the Housing and Town Development (Scotland) Act 1957(e) relates, deemed to be approved expenditure by virtue of regulation 7;

"approved land" means land approved by the Secretary of State for the purposes of these regulations and includes any land deemed to be so approved by virtue of regulation 7;

"clearing" in relation to any approved land, means the removal of buildings or materials from the land, and the levelling of the surface of the land 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;

(a) 1966 c. 51. (b) 1947 c. 53. (c) 1945 c. 33. (d) 1959 c. 70. (e) 1957 c. 38.

(*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 27 of the Act of 1945;

"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 on the relevant date in relation to the defrayal of the expenditure and were repayable, together with interest at the rate appropriate to such a borrowing (being the appropriate rate fixed by the Treasury for loans from the Local Loans Fund, or, where there are 2 rates so fixed, the higher of those rates), by equal annual instalments of principal and interest combined over a period of 60 years;

"relevant date" in relation to an act or event means the 16th November occurring in the same financial year as that in which the act or event occurred;

"preliminary development" in relation to any approved land 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 or redevelopment 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 for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) References in these regulations to any enactment are references to that enactment as amended by any subsequent enactment.

General conditions

3. The payment of grant under these regulations, including grant in respect of expenditure incurred in terms of regulation 7 (2) and (3) thereof, shall be dependent upon the fulfilment of the following conditions—

(*a*) the approval of the Secretary of State shall have been obtained for the land to be the subject of grant and for the use to which it is to be put;

(*b*) the local planning authority 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 under these regulations;

(*c*) the local planning authority 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;

(*d*) 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.

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

(a) 1889 c. 63.

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

(*b*) the grant payable has been ascertained.

(2) Where in any year there is, on applying the provisions of sub-paragraphs (*a*), (*b*) and (*c*) of regulation 6(1) of these regulations to such approved land as the Secretary of State may determine, an excess of the amount arrived at under the said sub-paragraph (*c*) over the total of the amounts arrived at under the said sub-paragraphs (*a*) and (*b*), the Secretary of State may for the purpose 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 for that year.

(3) Where the development or redevelopment of any approved land has been completed and the Secretary of State 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 2 or more periodical grants, the Secretary of State may, after consultation with the local planning authority concerned, determine that the said amount shall be so paid; and in determining the amount to be paid in such a case the Secretary of State shall have regard to the amounts which, but for this paragraph, would have been payable under the provisions of regulation 6 of these regulations.

(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 10s.

Expenditure eligible for grant

5.—(1) For the year 1967/68 and subsequent years, grant shall be payable by the Secretary of State to local planning authorities in respect of expenditure incurred by them, whether before or after 16th May 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 Secretary of State 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 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, clearing and preliminary development of approved land, shall for the purpose of these regulations be such as may be determined 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 regulations or any regulations made under section 89 of the Act of 1947.

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

(*a*) Part I of the Act of 1945 or section 35 or section 37 of the Act of 1947, including land acquired by virtue of section 17 of the Act of 1947;

(*b*) section 38 of the Act of 1959;

(*c*) (i) sections 156 and 157 of the Local Government (Scotland) Act 1947(**a**) in any case where land is acquired for the purpose of sections 1 and 2 of the Local Government (Development and Finance) (Scotland) Act 1964(**b**);

(ii) any corresponding provision of any Local Act.

Calculation and amount of grant

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

(*a*) taking in respect of approved 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 year for which the grant is being calculated;

(*b*) taking in respect of approved expenditure defrayed otherwise than out of money borrowed by the local planning authority the amount of the notional loan charges calculated by reference to so much as the Secretary of State may consider appropriate 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 balance of any approved expenditure defrayed in that year otherwise than out of money so borrowed;

(*c*) 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 year determine, plus the amount of any income received during that year in respect of the balance of the approved land; and

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

(**a**) 1947 c. 43. (**b**) 1964 c. 67.

(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 on the relevant date in relation to the appropriation, sale or disposal, and were repayable, together with interest at the rate appropriate to such a borrowing (being the appropriate rate fixed by the Treasury for loans from the Local Loans Fund, or, where there are 2 rates so fixed, the higher of those rates), by equal annual instalments of principal and interest combined over a period of 60 years.

Revocation and Saving

7.—(1) The Town and Country Planning (Grants) (Scotland) Regulations 1960(**a**) and the General Grant (Relevant Expenditure) (Scotland) Regulations 1963(**b**) are hereby revoked.

(2) Any expenditure approved by the Secretary of State under the said regulations of 1960 or under any regulations revoked by the said regulations, being expenditure in respect of which grant is payable under these regulations, shall be deemed to be approved expenditure for the purpose of these regulations.

(3) Where land had been acquired before 16th May 1967, under any enactment referred to in paragraph 5(1)(*a*) of Part I of Schedule 1 to the Local Government and Miscellaneous Financial Provisions (Scotland) 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 that land had not been completed before that date, any expenditure incurred before that date on the acquisition, clearing and preliminary development of that land, not being expenditure on the acquisition of land for major redevelopment or land situated within an area to which a Town Development Scheme as defined in Part II of the Housing and Town Development (Scotland) Act 1957, relates, 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.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
11th March 1968.

We consent.

B. K. O'Malley,
E. Alan Fitch,
Two of the Lords Commissioners of Her Majesty's Treasury.

13th March 1968.

(a) S.I. 1960/2433 (1960 III, p. 3300). (b) S.I. 1963/1165 (1963 II, p. 1995).
(c) 1958 c. 64.

EXPLANATORY NOTE

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

These regulations replace the Town and Country Planning (Grants) (Scotland) Regulations 1960, in consequence of the revocation and replacement of section 89(1) of the Town and Country Planning (Scotland) Act 1947 (which provided for the payment of Exchequer grants to local authorities in connection with major redevelopment and restrictions imposed by or under planning legislation), by section 8 of the Local Government (Scotland) Act 1966.

These regulations

(i) provide for the payment of Exchequer grants to local authorities in respect of expenditure incurred in connection with the acquisition, clearing and preliminary development of land acquired for the development or redevelopment of areas as a whole and any consequential relocation of population or industry or replacement of open space;

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

(iii) make consequential savings in consequence of the revocation of the General Grant (Relevant Expenditure) (Scotland) Regulations 1963.