



# Town and Country Planning (Scotland) Act 1972

## 1972 CHAPTER 52

### PART XIII

#### FINANCIAL PROVISIONS

##### *Grants for development, etc.*

#### **237 Grants for development, etc.**

- (1) The Secretary of State may, with the consent of the Treasury and after consultation with such associations of local authorities as appear to the Secretary of State to be concerned, make regulations providing for the payment to local authorities for any year of grants of such amounts, and payable over such periods and subject to such conditions, as may be determined by or under the regulations in respect of expenditure incurred by those authorities (whether before or after the passing of this Act) in or in connection with the acquisition of land approved for the purposes of the regulations, being land required for or in connection with—
- (a) 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
  - (b) the relocation of population or industry, or the replacement of open space, in the course or in consequence of such development or redevelopment,
- or in respect of expenditure so incurred in or in connection with the clearing or preliminary development of such land.
- (2) For the purposes of regulations under this section land appropriated by a local authority (whether before or after the passing of this Act) for use for purposes described in subsection (1) of this section may be treated as acquired by that authority for those purposes at a cost of such amount, and defrayed in such manner, as may be determined by or under the regulations.

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- (3) Without prejudice to the generality of the preceding provisions of this section, any regulations under this section may provide—
- (a) for the inclusion, in the expenditure incurred by local authorities in the acquisition of land approved for the purposes of the regulations, of any sums or part of sums paid by those 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);
  - (b) for the calculation of grants payable under the regulations by reference to the amount of the annual costs incurred or treated as being incurred by local authorities in respect of the borrowing of money to defray the expenditure in respect of which the grants are made, or by reference to the excess of such annual costs over receipts of those authorities which are attributable to such expenditure, or over the annual value of such receipts, or by reference to such other considerations as may be prescribed by the regulations;
  - (c) for the payment of capital sums in substitution for any periodical grants payable under the regulations in respect of such annual costs;
- and for the purposes of this section "clearing" and "preliminary development" means the carrying out of such works as may be prescribed by or determined under the regulations.
- (4) In this section "year" means a period of twelve months beginning on 16th May or, in relation to a local authority whose financial year begins on a day other than 16th May, a period of twelve months beginning on that other day.

### **238 Maximum amount of grants under s. 237**

- (1) Subject to the following provisions of this section, the amount of any grant paid to a local authority in accordance with regulations made under section 237 of this Act—
- (a) where that amount is calculated by reference to annual costs incurred or treated as incurred by the authority in respect of the borrowing of money to defray expenditure in respect of which the grant is made, or by reference to the excess of such annual costs over the receipts, or the annual value of receipts, mentioned in subsection (3)(b) of that section, shall not exceed an amount equal to fifty per cent, of those costs, or of that excess, as the case may be;
  - (b) in any other case, shall not exceed an amount equal to fifty per cent, of the amount of the expenditure in respect of which the grant is made.
- (2) In respect of 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 of 1947, and confirmed before 26th February 1954, being land acquired for war-damage redevelopment ;
  - (b) land acquired by agreement for war-damage redevelopment with the consent of the Secretary of State given before that date;
  - (c) land appropriated by a local planning authority for war damage redevelopment before that date; and
  - (d) land acquired or appropriated for war-damage redevelopment (whether before or after that date), being land contiguous or adjacent to land falling within any of the preceding paragraphs,

subsection (1)(a) of this section shall apply (subject to subsection (3) of this section) as if for the words "fifty per cent" there were substituted the words "ninety per cent."

- (3) Subsection (2) of this section shall not authorise the payment, in the case of any land, of a grant 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 a total period of eight years.
- (4) In this section "war-damage redevelopment" means the redevelopment as a whole of an area of extensive war damage, and includes the relocation of population or industry, or the replacement of open space, in the course of such redevelopment.
- (5) In this section references to a grant at a higher rate are references to a grant of an amount which—
  - (a) was or would have been authorised by section 89 of the Act of 1947 as that section had effect or would have had effect apart from section 52 of the Act of 1954 and the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 and this Act; but
  - (b) otherwise than by virtue of the provisions of the Act of 1954 corresponding to subsections (2) and (3) of this section, was not or would not have been authorised by the provisions substituted by the Act of 1954 for the said section 89.

### **239 Supplementary provisions as to grants under s. 237**

- (1) Any approval of the Secretary of State required for the purposes of the payment of grant under section 237 of this Act in connection with the acquisition of land may be given subject to compliance with requirements imposed by the Secretary of State for securing that any negotiations for the acquisition of the land by the local planning authority will be carried out by the Valuation Office, and that any valuation of the land for the purposes of the acquisition, or for any purposes of the regulations, will be made by that office.
- (2) Subject to subsection (1) of this section, any regulations made for the purposes of section 237 of this Act may make provision whereby the payment of grants in pursuance of the regulations is dependent upon the fulfilment of such conditions as may be determined by or in accordance with the regulations, and may also make provision for requiring local planning authorities to whom grants have been so paid to comply with such requirements as may be so determined.

#### *Grants for research and education*

### **240 Grants for research and education**

The Secretary of State may, with the consent of the Treasury, make grants for assisting establishments engaged in promoting or assisting research relating to, and education with respect to, the planning and design of the physical environment.

#### *Contributions to certain expenditure*

### **241 Contributions by Ministers towards compensation paid by local authorities**

Where compensation is payable by a local authority under this Act in consequence of any decision or order given or made under—

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- (a) Part III or Part IV of this Act;
- (b) sections 84 to 96 of this Act;
- (c) the provisions of Part IX of this Act relating to purchase notices;
- (d) Schedule 7 to this Act,

then if that decision or order was given or made wholly or partly in the interest of a service which is provided by a government department and the cost of which is defrayed out of moneys provided by Parliament, the Minister responsible for the administration of that service may pay to that authority a contribution of such amount as he may with the consent of the Treasury determine.

#### **242 Contributions by local authorities and statutory undertakers**

- (1) Without prejudice to the provisions of section 6(8) of the Trunk Roads Act 1936 (contributions by certain local authorities towards expenses incurred in connection with highways), any local authority may contribute towards any expenses incurred by a local highway authority or the Secretary of State in the acquisition of land under Part VI of this Act, or in the construction or improvement of roads on land so acquired, or in connection with any development required in the interests of the proper planning of the district of the local authority.
- (2) Any local authority and any statutory undertakers may contribute towards—
  - (a) any expenses incurred by a local planning authority in or in connection with the carrying out of a survey or the preparation of a structure plan or local plan under Part II of this Act;
  - (b) any expenses incurred by a local planning authority in or in connection with the performance of any of their functions under Part III (except section 25), Part IV, Part V (except sections 97 and 99) or Part VI (except section 116) of this Act, under the provisions of Part IX of this Act relating to purchase notices and listed building purchase notices or under Schedule 10 to this Act
- (3) For the purposes of this section, contributions made by a local planning authority towards the expenditure of a joint planning committee or joint advisory committee shall be deemed to be expenses incurred by that authority for the purposes for which that expenditure is incurred by the committee.

#### **243 Assistance for acquisition of property where objection made to blight notice in certain cases**

A county council or a town council may, subject to such conditions as may be approved by the Secretary of State, advance money to any person for the purpose of enabling him to acquire a hereditament or agricultural unit in respect of which a counter-notice has been served under section 183 of this Act specifying the grounds mentioned in subsection (2)(d) of that section as, or as one of, the grounds of objection if, in the case of a hereditament its annual value does not exceed such amount as may be prescribed for the purposes of section 181(4)(a) of this Act.

*Recovery of compensation etc.*

**244 Recovery from acquiring authorities of sums paid by way of compensation**

- (1) Where an interest in land is compulsorily acquired, or is sold to an authority possessing compulsory purchase powers, and any of the land comprised in the acquisition or sale is land in respect of which a notice to which this section applies is recorded (whether before or after the completion of the acquisition or sale) in respect of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected, the Secretary of State shall, subject to the following provisions of this section, be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation specified in the notice as (in accordance with section 147(5) of this Act) is to be treated as attributable to that land.
- (2) This section applies to notices recorded under subsection (4) of section 147 of this Act and to notices recorded under the provisions of that subsection as applied by section 155(5) of this Act
- (3) If, immediately after the completion of the acquisition or sale, there is outstanding some interest in the land comprised therein to which a person other than the acquiring authority is entitled, the sum referred to in subsection (1) of this section shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority.
- (4) No sum shall be recoverable under this section in the case of a compulsory acquisition or sale where the Secretary of State is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.
- (5) Where by virtue of the preceding provisions of this section the Secretary of State recovers a sum in respect of any land, by reason that it is land in respect of which a notice is recorded under the provisions of section 147(4) of this Act as applied by section 155 of this Act, section 157(2) and (3) of this Act shall have effect in relation to that sum as if it were a sum recovered as mentioned in section 157(2) of this Act.

**245 Recovery from acquiring authorities of sums paid in respect of war-damaged land**

- (1) Where an interest in land is compulsorily acquired by, or sold to, an authority possessing compulsory purchase powers, and a payment exceeding £20 has become or becomes payable under section 56 of the Act of 1947 in respect of that interest, the Secretary of State shall, subject to the following provisions of this section, be entitled to recover the amount of the payment from the acquiring authority.
- (2) If, before 18th November 1952, operations were begun in, on, over or under the land, or a use of the land was instituted, being operations or a use—
  - (a) in respect of which a development charge has at any time been determined to be payable, or it has at any time been determined that no development charge was payable; or
  - (b) comprised in a scheme of development exempt from development charge,subsection (1) of this section shall not apply to so much of any payment referred to in that subsection as was attributable to any land in relation to which the determination was made or, as the case may be, which is included in that scheme of development.

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- (3) No amount shall be recoverable under this section in respect of any land in relation to which an amount has become recoverable by the Secretary of State under the provisions of section 148 of this Act as applied by section 264 of this Act.
- (4) If the acquisition or sale in question does not extend to the whole of the land to which the payment under the said section 56 related, the amount recoverable under this section shall be so much of that payment as, in accordance with subsection (5) of this section, is to be treated as apportioned to the land in which the interest acquired or sold subsists
- (5) For the purposes of this section a payment under section 56 of the Act of 1947 shall be treated as apportioned, as between different parts of the land to which it related, in the way in which it might reasonably be expected to have been so apportioned if, under the scheme made under that section, the authority determining the amount of the payment had been required (in accordance with the same principles as applied to the determination of that amount) to apportion it between different parts of that land.
- (6) In this section references to a scheme of development exempt from development charge are references to a scheme of development such that, if the operations and uses of land comprised in the scheme had all been begun or instituted before 18th November 1952, all those operations and uses would have been exempt from the provisions of Part VI of the Act of 1947 by virtue of regulations made thereunder; and references to the amount of a payment shall be construed as including any interest payable on the principal amount of the payment.

#### **246 Sums recoverable from acquiring authorities reckonable for purposes of grant**

Where a sum is recoverable from an authority under section 244 or 245 of this Act by reference to an acquisition or purchase of an interest in land, and in respect thereof, or of a subsequent appropriation of the land, a grant became or becomes payable to that or some other authority under an enactment, (the power conferred by that enactment to pay the grant shall include, and shall be deemed always to have included, power to pay a grant in respect of that sum as if it had been expenditure incurred by the acquiring authority in connection with the acquisition or purchase.

#### *Expenses and receipts of Secretary of State*

#### **247 Expenses of government departments**

- (1) The following expenses of the Secretary of State shall be paid out of moneys provided by Parliament, that is to say—
  - (a) any expenses incurred by the Secretary of State under subsection (2) of section 48 of this Act or under that subsection as applied by subsection (7) of section 61 of this Act, or in the payment of expenses of any committee established under the said section 61;
  - (b) any sums necessary to enable the Secretary of State to make any payments becoming payable by him under Part VII or Part VIII of this Act;
  - (c) any expenses incurred by the Secretary of State under Part X of this Act;
  - (d) any expenses incurred by the Secretary of State in the making of grants in accordance with regulations made under section 237 of this Act or grants under section 240 of this Act;

- (e) subject to the provisions of subsection (4) of section 248 of this Act, any instalment payable by the Secretary of State under subsections (2) and (3) of that section:
  - (f) any administrative expenses incurred by the Secretary of State for the purposes of this Act.
- (2) There shall be paid out of moneys provided by Parliament any expenses incurred by any government department (including the Secretary of State)—
- (a) in the acquisition of land under Part VI of this Act;
  - (b) in the payment of compensation under section 108(4), 226(2) or 266 of this Act;
  - (c) under section 118(2)(b) of this Act; or
  - (d) under section 241 of this Act.

#### **248 Payments under s. 56 of Act of 1947 and Parts I and V of Act of 1954**

- (1) The Secretary of State shall pay out of moneys provided by Parliament any payments falling to be made by him on or after 1st April 1968 under—
- (a) section 56 of the Act of 1947 (war-damaged land); or
  - (b) any provision of Part I or Part V of the Act of 1954.
- (2) The aggregate of the sums issued to the Secretary of State or the Central Land Board out of the Consolidated Fund in any financial year ending before the said 1st April under section 64(1) of the Act of 1954 (sums required for making payments under Part I or Part V of the Act of 1954) shall be repaid by the Secretary of State into the National Loans Fund, as mentioned in subsection (3) of this section, with interest thereon at such rate as the Treasury may determine, such interest accruing, in respect of the whole aggregate, from such date in the financial year in which the sums were issued as the Treasury may determine.
- (3) The said aggregate shall be repaid by twenty equal annual instalments, of principal and interest combined, falling due on the anniversary of the date determined under subsection (2) of this section, the first such instalment falling due in the financial year next following the financial year in which the sums in question were issued.
- (4) Any sums received by the Secretary of State by virtue of—
- (a) the provisions of section 148 of this Act, as applied by Schedule 22 to this Act to compensation paid under Part V of the Act of 1954 ; or
  - (b) the provisions of section 244 of this Act as so applied,
- shall be paid into the Consolidated Fund.

#### **249 General provision as to receipts of Secretary of State**

Without prejudice to section 248 of this Act, and subject to the provisions of section 157 of this Act, any sums received by the Secretary of State under any provision of this Act shall be paid into the Consolidated Fund.

*Expenses of local authorities***250 Expenses of, and borrowing by, local authorities**

- (1) Any expenses incurred by a local highway authority under the provisions of this Act specified in Parts I and II of Schedule 19 to this Act shall be defrayed in like manner as expenses incurred by the authority on highways.
- (2) Any expenses incurred by a local authority under the provisions of this Act specified in Parts I and II of Schedule 19 to this Act in pursuance of a purchase notice or in the acquisition of land under this Act for the purposes of any function of that authority, shall be defrayed in like manner as other expenses incurred by that authority for the purposes of that function.
- (3) A local authority may borrow for the purposes of this Act in accordance with the provisions of Part XII of the Local Government (Scotland) Act 1947.
- (4) Nothing in this section shall authorise the exercise of the power of borrowing money thereby conferred otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 and of any orders for the time being in force made by the Treasury under section 1 of the Borrowing (Control and Guarantees) Act 1946.