



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.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (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."

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- (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.