



Town and Country Planning Act 1962

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PART XII

FINANCIAL PROVISIONS

184 Exchequer grants to local authorities

- (1) Regulations made under this section with the consent of the Treasury may provide for the payment by the Minister to local authorities 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 commencement of this Act.—
 - (a) in connection with the acquisition for war-damage re-development of land approved by the Minister for the purposes of the regulations, or in connection with the clearing or preliminary development of land acquired for such redevelopment by those authorities with such approval;
 - (b) in the payment of compensation in respect of land of the National Coal Board to which the relevant provisions relating to statutory undertakers apply by virtue of regulations made under section two hundred and four of this Act, being compensation payable under Part VII of this Act or under Part X thereof, otherwise than as mentioned in subsection (2) of section one hundred and seventy or in paragraph (c) of subsection (1) of section one hundred and seventy-one of this Act;
 - (c) in taking any action under section twenty-eight, section thirty-seven or subsection (2) of section sixty-one of this Act in respect of such land of the National Coal Board as is mentioned in the last preceding paragraph.
- (2) Regulations made under this section may provide for the payment of grants thereunder, in such cases and subject to such conditions as may be prescribed by or under the regulations, in respect of land appropriated by local authorities (whether before or after the commencement of this Act) for any purpose approved by the Minister in accordance with the regulations, as if the land had been acquired for that purpose 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 made under this section may provide—

- (a) for the inclusion, in the expenditure incurred by local authorities in the acquisition of land approved by the Minister for the purposes of the regulations, of any sums, or any 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 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, as may be prescribed by the regulations.

(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;

“preliminary development ”, in relation to land approved for the purposes of regulations made under this section, means the carrying out of any work determined in accordance with the regulations to be work preparatory to the development of the land for the purposes for which it was acquired or appropriated, or work comprised in the initial stages of such development;

“the relevant provisions relating to statutory undertakers ” means all or any of the following provisions of this Act, that is to say, sections one hundred and fifty-nine to one hundred and sixty-two, subsection (1) of section one hundred and seventy, and section one hundred and seventy-one (excluding paragraph (c) of subsection (1) thereof).

185 Maximum amounts of grants

(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 the last preceding section—

- (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 paragraph (b) of subsection (3) 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 authority under the Act of 1944 or the Act of 1947, and confirmed before the twenty-

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sixth day of February, nineteen hundred and fifty-four, being land acquired for war-damage redevelopment;

- (b) land acquired by agreement for war-damage redevelopment with the consent of the Minister given before that date;
- (c) land appropriated by a local 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,

paragraph (a) of the preceding subsection shall apply (subject to the next following subsection) as if for the words " fifty per cent." "there were substituted the words " ninety per cent ".

- (3) The last preceding subsection 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" has the same meaning as in the last preceding section, and 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 ninety three of the Act of 1947 as that section had effect or would have had effect apart from section fifty of the Act of 1954 and the Local Government 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 ninety-three.

186 Supplementary provisions as to Exchequer grants

- (1) Any approval of the Minister required for the purposes of the payment of grant under section one hundred and eighty-four of this Act in connection with the acquisition of land may be given subject to compliance with requirements imposed by the Minister for securing that any negotiations for the acquisition of the land by the local 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 the preceding subsection, any regulations made for the purposes of section one hundred and eighty-four 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 authorities to whom grants have been so paid to comply with such requirements as may be so determined.

187 Loans to local authorities

The power of the Public Works Loan Commissioners to make loans under section nine of the Public Works Loans Act, 1875, shall include power to make loans to a local authority for the purpose of the discharge by them of their functions under any of the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto.

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188 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 Part III of this Act, or under the provisions of Part VIII of this Act relating to purchase notices, 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.

189 Contributions by local authorities and statutory undertakers

- (1) Without prejudice to the provisions of subsections (1) and (3) of section two hundred and thirty-eight of the Highways Act, 1959 (which relate to 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 by the Minister of Transport in the acquisition of land under Part V 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 area 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 development plan under Part II of this Act;
 - (b) any expenses incurred by a local planning authority, or by the council of a county district, in or in connection with the performance of any of their functions under Part III, Part IV or Part V of this Act or under the provisions of Part VIII of this Act relating to purchase notices.
- (3) Where any expenses are incurred by a local authority in the payment of compensation payable in consequence of anything done under Part III of this Act, or under the provisions of Part VIII of this Act relating to purchase notices, the Minister may, if it appears to him to be expedient to do so, require any other local authority to contribute towards those expenses such sum as appears to him to be reasonable, having regard to any benefit accruing to that authority by reason of the proceeding giving rise to the compensation.
- (4) The provisions of the last preceding subsection shall apply in relation to payments made by a local authority to any statutory undertakers in accordance with financial arrangements to which effect is given under paragraph (c) of subsection (5) of section one hundred and sixty-six of this Act, as they apply in relation to compensation payable by such an authority in consequence of anything done under Part III of this Act, and the reference in the last preceding subsection to the proceeding giving rise to the compensation shall be construed accordingly.
- (5) For the purposes of this section, contributions made by a local planning authority towards the expenditure of a 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.

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190 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 registered (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 Minister 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 subsection (6) of section one hundred and twelve of this Act) is to be treated, as attributable to that land.
- (2) This section applies to notices registered under subsection (5) of section one hundred and twelve of this Act and to notices registered under the provisions of that subsection as applied by subsection (5) of section one hundred and twenty 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 Minister 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 Minister recovers a sum in respect of any land, by reason that it is land in respect of which a notice is registered under the provisions of subsection (5) of section one hundred and twelve of this Act as applied by section one hundred and twenty of this Act, subsections (2) and (3) of section one hundred and twenty-two of this Act shall have effect in relation to that sum as if it were a sum recovered as mentioned in subsection (2) of the last-mentioned section.
- (6) In this and the next following section “interest” (where the reference is to an interest in land) means the fee simple or a tenancy of the land, and does not include any other interest therein.

191 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 twenty pounds has become or becomes payable under section fifty-nine of the Act of 1947 in respect of that interest, the Minister 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 the eighteenth day of November, nineteen hundred and fifty-two, 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,

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the preceding subsection 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.

- (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 Minister under the provisions of section one hundred and thirteen of this Act as applied by section two hundred and eight 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 fifty-nine related, the amount recoverable under this section shall be so much of that payment as, in accordance with the next following subsection, 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 fifty-nine 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 the eighteenth day of November, nineteen hundred and fifty-two, all those operations and uses would have been exempt from the provisions of Part VII 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.

192 Sums recoverable from acquiring authorities reckonable for purposes of grant

Where a sum is recoverable from an authority under section one hundred and ninety or section one hundred and ninety-one 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.

193 Expenses of government departments

- (1) The following expenses of the Minister shall be paid out of moneys provided by Parliament, that is to say.—
 - (a) any expenses incurred by the Minister in the making of grants in accordance with regulations made under section one hundred and eighty-four of this Act;
 - (b) any sums necessary to enable the Minister to make any payments becoming payable by him under Part VI or Part VII of this Act or under section two hundred and nine thereof;

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- (c) any expenses incurred by the Minister under subsection (3) of section forty-four of this Act, or in the payment of expenses of any committee established under section thirty-four of this Act;
 - (d) subject to the provisions of subsection (4) of the next following section, any instalment payable by the Minister under subsections (2) and (3) of that section ;
 - (e) any administrative expenses incurred by the Minister for the purposes of this Act.
- (2) Any expenses incurred by the Minister of Transport under Part IX of this Act shall be paid out of moneys provided by Parliament.
- (3) There shall be paid out of moneys provided by Parliament any expenses incurred by any government department (including the Minister and the Minister of Transport)—
- (a) in the acquisition of land under Part V of this Act;
 - (b) in the payment of compensation under subsection (4) of section seventy of this Act, under subsection (2) of section one hundred and seventy thereof, or under section two hundred and twelve thereof ;
 - (c) under paragraph (b) of subsection (5) of section eighty two of this Act; or
 - (d) under section one hundred and eighty-eight of this Act:

Provided that this subsection shall not apply to any expenses incurred by the Postmaster-General.

194 Repayment of sums issued out of Consolidated Fund in respect of certain payments

- (1) The provisions of this section shall have effect with respect to sums issued to the Minister or the Central Land Board out of the Consolidated Fund under subsection (1) of section sixty-four of the Act of 1954 (which related to the issue out of the Consolidated Fund of sums required for making payments under Part I or Part V of that Act).
- (2) The aggregate of the sums so issued in any financial year, whether to the Minister or to the Central Land Board, shall be repaid by the Minister into the Exchequer, as mentioned in the next following subsection, 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 the last preceding subsection, 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 Minister by virtue of—
- (a) the provisions of section one hundred and thirteen of this Act, as applied by the transitional provisions hereinafter contained to compensation paid under Part V of the Act of 1954, or
 - (b) the provisions of section one hundred and ninety of this Act as so applied,
- shall be paid into the Exchequer, and shall be treated as paid in satisfaction, or part satisfaction, of such one or more instalments payable under the preceding provisions of this section as the Treasury may determine.

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- (5) All sums paid into the Exchequer under the preceding provisions of this section shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows:—
- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury may think fit;
 - (b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.
- (6) In respect of each financial year the Minister shall prepare, in such form and manner and at such time as the Treasury may direct, an account of any sums received by him as mentioned in subsection (4) of this section.
- (7) On or before the thirtieth day of November in each year, the Minister shall transmit to the Comptroller and Auditor General the account prepared by him under the last preceding subsection in respect of the last preceding financial year; and the Comptroller and Auditor General shall examine and certify each such account and lay before each House of Parliament copies thereof, together with his report thereon.

195 General provision as to receipts of Minister

Without prejudice to the last preceding section, and subject to the provisions of section one hundred and twenty-two of this Act, any sums received by the Minister—

- (a) under any provision of this Act, or
 - (b) in respect of the payment of a development charge,
- shall be paid into the Exchequer.

196 Expenses of county councils

The council of any county may direct that any expenses incurred by them under the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto shall be treated as expenses for special county purposes chargeable upon such part of the county as may be specified in the directions.