



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART XIII

FINANCIAL PROVISIONS

252 Fees for planning applications etc

- (1) The Secretary of State may by regulations make such provision as he thinks fit for the payment of a fee of the prescribed amount to a planning authority in respect of an application made to them under the planning Acts or any order or regulations made under them for any permission, consent, approval, determination or certificate.
- (2) The Secretary of State may by regulations make such provision as he thinks fit for the payment—
 - (a) of fees of prescribed amounts to him and to the planning authority in respect of any application for planning permission deemed to be made under section 133(7), and
 - (b) of a fee of the prescribed amount to him in respect of any other application for planning permission which is deemed to be made to him under this Act or any order or regulations made under it.
- (3) Regulations under subsection (1) or (2) may provide for the remission or refunding of a prescribed fee (in whole or in part) in prescribed circumstances.
- (4) No such regulations shall be made unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.
- (5) The reference to the planning Acts in subsection (1) does not include a reference to section 251 of this Act.

253 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.

254 Contributions by Ministers towards compensation paid by planning authorities

(1) Where—

- (a) compensation is payable by a planning authority under this Act in consequence of any decision or order to which this section applies, and
- (b) 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 money 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.

(2) This section applies to any decision or order given or made under Part III, the provisions of Part V relating to purchase notices, Part VI, Part VII or Schedule 3 or 4 or Part I of Schedule 8.

255 Contributions by local authorities and statutory undertakers

(1) Without prejudice to section 5(9) of the Roads (Scotland) Act 1984 (power of local roads authority to contribute towards costs incurred by Secretary of State in construction or improvement of trunk road) any local authority may contribute towards any expenses incurred by a local roads authority or the Secretary of State—

- (a) in the acquisition of land under Part VIII of this Act or Chapter V of Part I of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997,
- (b) in the construction or improvement of roads on land so acquired, or
- (c) 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 any expenses incurred by a planning authority in or in connection with—

- (a) the carrying out of a survey or the preparation of a structure plan or a local plan or the alteration, repeal or replacement of such a plan under Part II;
- (b) the performance of any of their functions under Part III, the provisions of Part V relating to purchase notices, Part VI (except sections 156 and 157, Part VII (except section 168), Part VIII or Schedule 3 or 8.

(3) In the application of subsection (2) to a local authority, “planning authority” means a planning authority other than that local authority.

256 Assistance for acquisition of property where objection made to blight notice in certain cases

(1) A local authority 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 102 specifying the grounds mentioned in subsection (4)(d) of that section as, or as one of, the grounds of objection.

- (2) No advance may be made under subsection (1) in the case of a hereditament if its annual value exceeds such amount as may be prescribed for the purposes of section 100(3)(a).

257 Recovery from acquiring authorities of sums paid by way of compensation

- (1) This section applies where—
- (a) an interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers, and
 - (b) a notice is recorded or registered under section 79(1) in respect of any of the land acquired or sold (whether before or after the completion of the acquisition or sale) in consequence 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.
- (2) Where this section applies 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 79(2)) is to be treated as attributable to that land.
- (3) If, immediately after the completion of the acquisition or sale, there is outstanding some interest in the land acquired or sold to which a person other than the acquiring authority is entitled, the sum referred to in subsection (2) 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) In this section “authority possessing compulsory purchase powers”, in relation to the compulsory acquisition of an interest in land, means the person or body of persons effecting the acquisition and, in relation to any other transaction relating to an interest in land, means any person or body of persons who could be or have been authorised to acquire that interest compulsorily for the purposes for which the transaction is or was effected.

258 Sums recoverable from acquiring authorities reckonable for purposes of grant

Where—

- (a) a sum is recoverable from any authority under section 257 by reference to an acquisition or purchase of an interest in land, and
- (b) a grant became or becomes payable to that or some other authority under an enactment in respect of that acquisition or purchase or of a subsequent appropriation of the land,

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.

259 Financial provision

- (1) There shall be paid out of money provided by Parliament—

Status: This is the original version (as it was originally enacted).

- (a) any expenses incurred by the Secretary of State in the payment of expenses of any committee established under section 182(2)(d),
 - (b) any sums necessary to enable the Secretary of State to make any payments becoming payable by him under Part IV or sections 143, 165, 166 or 185,
 - (c) any expenses incurred by the Secretary of State under Part IX,
 - (d) any expenses incurred by the Secretary of State in the making of grants under section 253, and
 - (e) any administrative expenses incurred by the Secretary of State for the purposes of this Act.
- (2) There shall be paid out of money provided by Parliament any expenses incurred by any government department (including the Secretary of State)—
- (a) in the acquisition of land under Part VIII,
 - (b) in the payment of compensation under section 194(4), 232(2) or 270, or
 - (c) under section 254.

260 General provision as to receipts of Secretary of State

Subject to section 82, 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

261 Expenses of, and borrowing by, local authorities

- (1) Any expenses incurred by a local roads authority under the provisions of this Act specified in Part I of Schedule 18 shall be defrayed in the same manner as expenses incurred by the authority on roads.
- (2) Any expenses incurred by a local authority under the provisions of this Act specified in Part I of Schedule 18 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 the same 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 VII of the Local Government (Scotland) Act 1973.
- (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.