



# Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997)

## 1972 CHAPTER 52

### PART XIII

#### FINANCIAL PROVISIONS

237— <sup>F1</sup> .....  
239.

#### Textual Amendments

**F1** Ss. 237–239 repealed by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 53(2), **Sch. 12 Pt. IV** and S.I. 1986/672, arts. 2, 3, **Sch. 1**

#### *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—

- (a) Part III or Part IV of this Act;
- (b) sections 84 to 96 of this Act;

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- (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 [<sup>F2</sup>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 [<sup>F3</sup>regional or islands council] may contribute towards any expenses incurred by a local [<sup>F4</sup>roads] 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 [<sup>F3</sup>region or island area].
- (2) Any local authority and any statutory undertakers may contribute towards—
  - (a) any expenses incurred by a . . . <sup>F5</sup> 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 . . . <sup>F5</sup> 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) . . . . . <sup>F6</sup>

### Textual Amendments

- F2** Words substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 70(19)(a)** (with s. 128(1))
- F3** Words substituted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 14 para. 89**
- F4** Word substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 70(19)(b)** (with s. 128(1))
- F5** Word repealed by Local Government (Scotland) Act 1973 (c. 65), **s. 172(2)**
- F6** S. 242(3) repealed by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**

### Modifications etc. (not altering text)

- C1** S. 108(2), 117–119, 121, 138, 154(3), 170–172, 175, 181, 195(6), 198(3), 199(2), 202(3), 205, 211, 212, 214, 216–230, 233(7), 242, 259, 266(6)(b), 275(2), Sch. 8, Sch. 17 para. 1–3, Sch. 18 extended by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(1)(xxv) (with **Sch. 8 para. 33**)
- C2** S. 202(3), 205, 211, 212, 214–230, 233(7), 242, 266(6)(b), 275(2), Sch. 8, Sch. 17 paras. 1–3 amended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), Sch. 16 para. 1(1)(xxiii) (with s. 112(3), Sch. 17 paras. 33, **35(1)**)
- C3** S. 242 extended by Civil Aviation Act 1982 (c. 16), **Sch. 2 para. 4**

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

A [<sup>F7</sup>regional, islands or district] 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.

### **Textual Amendments**

**F7** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 23 para. 29](#)

*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.

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**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.
- (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.

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### *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. . . <sup>F8</sup> 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.

#### **Textual Amendments**

**F8** Words repealed by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\)](#), s. 53(2), [Sch. 12 Pt. IV](#)

#### **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

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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 [<sup>F9</sup>roads] 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 [<sup>F9</sup>roads].
- (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 [<sup>F10</sup>VII] of the <sup>M1</sup>Local Government (Scotland) Act [<sup>F10</sup>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 <sup>M2</sup>Local Authorities Loans Act 1945 and of any orders for the time being in force made by the Treasury under section 1 of the <sup>M3</sup>Borrowing (Control and Guarantees) Act 1946.

#### Textual Amendments

- F9** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 70(20)** (with s. 128(1))
- F10** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 23 para. 30**

#### Marginal Citations

- M1** 1973 c. 65.
- M2** 1945 c. 18.
- M3** 1946 c. 58.

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