

Statutory Document No. 2019/0441



Financial Provisions and Currency Act 2011

TOWN AND VILLAGE REGENERATION SCHEME 2019¹

*Approved by Tynwald: 19 November 2019
Coming into Operation in accordance with paragraph 2*

The Department for Enterprise, with the concurrence of the Treasury, makes the following Scheme under section 3 of the Financial Provisions and Currency Act 2011.

1 Title

This Order is the Town and Village Regeneration Scheme 2019.

2 Commencement

If approved by Tynwald this Scheme comes into operation on 1 December 2019.

3 Interpretation

“the Act” means the Financial Provisions and Currency Act 2011;

“application” means the application for a grant referred to in paragraph 9;

“the Department” means the Department for Enterprise;

“guidance” means the guidance required by this Scheme which sets out the particulars outlined in paragraph 13 herein;²

“regeneration area” means an area specified by the Department and published in guidance.³

4 Establishment of the Scheme

Pursuant to section 3 of the Act, there is established a Scheme known as the Town and Village Regeneration Scheme 2019.

5 Purpose of the Scheme

Pursuant to section 3(4)(a) of the Act, the Scheme shall provide for the payment of grants towards the cost of works carried out in a regeneration area which are

likely to improve, or assist in the improvement of, the appearance and amenity of that area.

6 Maximum amount of grant

The maximum amount of grant that may be provided by the Department in relation to any one project (both as a percentage of costs incurred by the applicant and the maximum monetary value provided by the Department) shall be published in guidance by the Department.⁴

7 Eligibility for a grant

- (1) Grants under this Scheme may be given by the Department to the following beneficiaries —
 - (a) a natural person;
 - (b) a partnership;
 - (c) a limited company;
 - (d) a charity;
 - (e) a non-profit making organisation;
 - (f) a local authority; or
 - (g) such other person as the Department considers appropriate.
- (2) A grant under the Scheme may be provided to beneficiaries falling within sub-paragraph (1) only if that beneficiary is not —
 - (a) indebted to any Department, Statutory Board or local authority;
 - (b) an undischarged bankrupt; or
 - (c) subject to an outstanding money judgement.

8 Criteria for grants

- (1) The Department may provide grants under the Scheme towards the cost of works in accordance with this paragraph.
- (2) The Department must be satisfied that the works—
 - (a) have—
 - (i) if needed, been granted planning approval at the time of application;
 - (ii) the permission of the owner of the property at the time of application; and
 - (b) are —
 - (i) in a regeneration area;
 - (ii) to external areas;
 - (iii) to non-residential premises; and

- (iv) likely to improve the appearance and the amenity of the regeneration area.
- (3) The Department must not provide a grant under this Scheme towards —
- (a) the cost of works to the interior of premises except where they are incidental to exterior works;
 - (b) the cost of labour or materials provided by the recipient or by persons employed by the recipient, except persons recruited or materials purchased specifically to carry out the works for which a grant is provided;
 - (c) the operating costs of a completed project;
 - (d) the costs incurred in respect of a project that has already commenced prior to the Department's decision about the provision of a grant, but the Department may provide a grant towards such costs where the project was commenced with the written agreement of the Department;
 - (e) any fees payable to —
 - (i) a Department;
 - (ii) a Statutory Board; or
 - (iii) a local authority.

9 Application process

- (1) An application for a grant under this Scheme must be —
- (a) made in writing to the Department;
 - (b) accompanied by such other documents, plans and specifications as the Department may require; and
 - (c) in accordance with guidance published by the Department under paragraph 13.
- (2) The Department must determine whether a grant should be provided to the applicant, and if so, to what extent.
- (3) Where the Department accepts an application it must notify the applicant in writing —
- (a) of its decision and the reasons for it; and
 - (b) where a grant is to be provided subject to terms or conditions, of that fact, and of those terms and conditions.
- (4) Where the Department rejects an application it must notify the applicant in writing —
- (a) the reasons for the rejection; and
 - (b) where appropriate, information as to the manner in which a defective application may be rectified.

10 Review of decision

- (1) Where the Department has rejected an application, the applicant may request the Department to review its decision.
- (2) A request for a review must be made in writing within one month of the date of notification of the decision.
- (3) The Department must appoint an officer of the Department (other than an officer involved in the original decision under paragraph 9) to reconsider the application and must notify the applicant of the outcome of that reconsideration.

11 Powers of the Department in relation to projects

- (1) The Department may, before making any grant and whether as part of its determination of an application, or after determining to accept an application –
 - (a) require the applicant to –
 - (i) submit accounts of the total cost of the improvements;
 - (ii) provide receipts in respects of the improvements;
 - (iii) provide consent for the Department to undertake the checks referred to in 11(1)(c);⁵
 - (b) carry out any inspections or surveys of the works; or⁶
 - (c) undertake checks to ensure that a grant is not provided to beneficiaries falling within the categories set out in paragraph 7(2)(a) to (c) (including information on beneficiaries being shared between the Department and other Departments).⁷
- (2) Where the Department has accepted an application, it may withhold, or require the repayment of, any grant where in its opinion –
 - (a) the applicant has, in connection with the application for the grant, made a statement or furnished information which the applicant knows to be false or misleading in a material particular;
 - (b) the works have not been carried out according to the application and other documents submitted with the application;
 - (c) the works have not in any other respect been carried out in a proper and satisfactory manner; or
 - (d) the recipient has failed to comply with any of the terms or conditions of the offer of a grant.

12 Offences

A person who provides false, incomplete, or misleading information in connection with an application under the Scheme commits an offence.

Maximum penalty (summary) - a fine of level 5 on the standard scale.

13 Guidance

The Department shall issue guidance with respect to the manner in which powers are to be exercised under the Scheme, which shall include inter alia —

- (a) specifying “regeneration area”;
- (b) specifying the maximum amount of grant that may be provided by the Department in accordance with paragraph 6 of this Scheme;
- (c) guidance on the criteria for grants;
- (d) details of the application process;
- (e) guidance on the grant payment process; and
- (f) any variation, addition or amendment to the above or such other provisions that the Department considers pertinent to the Scheme.⁸

14 Reports to Tynwald

- (1) The Department must include in the annual report under section 6(1) of the Enterprise Act 2008 information in respect of payments made to businesses under the Scheme.
- (2) The Department must include in the report —
 - (a) a list of the businesses which have received grants under the Scheme; and
 - (b) the total amount of grants provided under the Scheme, during the previous financial year ended on 31 March.

15 Revocation

The Town and Village Centre Regeneration Scheme 2013¹ is revoked.

MADE 29 OCTOBER 2019

¹ SD 0730/2012

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Definition of “guidance” inserted by SD2020/0436.

³ Definition of “regeneration area” substituted by SD2020/0436.

⁴ Para 6 substituted by SD2020/0436.

⁵ Head (a) substituted by SD2020/0436.

⁶ Head (b) substituted by SD2020/0436.

⁷ Head (c) inserted by SD2020/0436.

⁸ Para 13 substituted by SD2020/0436.