STATUTORY INSTRUMENTS

1990 No. 821 (S.103)

RATING AND VALUATION

The British Telecommunications plc. (Rateable Values) (Scotland) Order 1990

Made - - - -	*30th March 1990*
Coming into force	*1st April 1990*

The Secretary of State, in exercise of the powers conferred on him by sections 6, 35 and 37(1) of the Local Government (Scotland) Act 1975(**a**) and of all other powers enabling him in that behalf, and after consultation with such associations of local authorities, and of persons carrying on undertakings, as appeared to him to be concerned, and with such local authorities, persons, or associations of persons with whom consultation appeared to him to be desirable, all in accordance with section 6(4) of the said Act, hereby makes the following Order, a draft of which has been laid before and has been approved by resolution of each House of Parliament:

Citation and commencement

1. This Order may be cited as the British Telecommunications plc. (Rateable Values) (Scotland) Order 1990 and shall come into force on 1st April 1990.

Interpretation

2.—(1) In this Order, unless the context otherwise requires–

"the 1975 Act" means the Local Government (Scotland) Act 1975;

"British Telecom" means the company registered at the date of this Order by the name of British Telecommunications plc.;

"financial year" means the period of twelve months beginning with 1st April;

"non-domestic water rate" shall be construed in accordance with the provisions of section 40 of the Water (Scotland) Act 1980(**b**); and

"prescribed class of lands and heritages" means the class of lands and heritages prescribed for the purposes of section 6(1) of the 1975 Act in article 3 of this Order.

(2) Any reference in this Order to–

(a) lands and heritages occupied by British Telecom includes a reference to lands and heritages which, if unoccupied, are owned by British Telecom; and

(b) lands and heritages used for any purpose includes a reference to lands and heritages which are unused but in relation to which it appears that, when next in use, they will be used for such a purpose.

(**a**) 1975 c.30; section 6(1) to (7) was substituted by the Local Government (Scotland) Act 1978 (c.4), section 1, and section 6(1) subsequently amended by the Local Government Finance Act 1988 (c.41), Schedule 12, paragraph 11 which comes into force on 1st April 1990; section 6(1A) was inserted by the Local Government and Housing Act 1989 (c.42), Schedule 6, paragraph 18 which also comes into force on 1st April 1990; section 37(1) contains a definition of "prescribed" which is relevant to the exercise of the powers under which this Order is made.

(**b**) 1980 c.45; section 40 was substituted by the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c.47), Schedule 5, paragraph 29.

Prescribed class of lands and heritages

3. The following class of lands and heritages is hereby prescribed for the purposes of section 6(1) of the 1975 Act, namely any lands and heritages in Scotland occupied by any posts, wires, underground cables and ducts, telephone kiosks, switchgear and other equipment not within a building, or by servitudes or wayleaves, and being lands and heritages occupied by British Telecom and used for the purposes of telecommunications services.

Non-domestic water rate

4. The non-domestic water rate shall not be leviable in respect of the prescribed class of lands and heritages in respect of the financial year 1990-91.

Aggregate amount of rateable values for financial year 1990-91

5. For the purposes of section 6(1) of the 1975 Act, the aggregate amount of the rateable values of the prescribed class of lands and heritages for the financial year 1990-91 is hereby prescribed as £14,300,000.

Apportionment of aggregate amount of rateable values

6. For the purposes of section 6(2) of the 1975 Act, the aggregate amount of the rateable values of the prescribed class of lands and heritages for the financial year 1990-91 which is prescribed by article 5 shall be apportioned among the local authorities specified in column 1 of the Schedule to this Order in the amount shown opposite to the name of each such local authority in column 2 of that Schedule.

Amendment of enactments

7. The following amendments shall be made to the enactments specified in articles 8 and 9 below in their relation to the valuation of the prescribed class of lands and heritages for the financial year 1990-91.

8. In section 6(1) of the Valuation and Rating (Scotland) Act 1956(**a**), after the words "this Act", there shall be inserted the words "and to any Order made by the Secretary of State under section 6 of the Local Government (Scotland) Act 1975".

9.—(1) Section 2(1)(c) of the 1975 Act shall be amended by inserting at the end the following:–

"(iii) upon their ceasing to be lands and heritages within the class of lands and heritages prescribed in the British Telecommunications plc. (Rateable Values) (Scotland) Order 1990 (hereinafter referred to as "the 1990 Order");".

(2) Section 2(1)(d) of that Act shall be amended by inserting after the words "lands and heritages" the following words:–

"(other than lands and heritages within the class of lands and heritages prescribed in the 1990 Order)".

(3) Section 2(1)(f) of that Act shall be amended by inserting at the end the following:–

"(other than an entry relating to lands and heritages within the class of lands and heritages prescribed in the 1990 Order);".

(4) Section 2(1)(g) of that Act shall be amended by adding at the end the following paragraph:–

"(gg) by entering therein any lands and heritages within the class of lands and heritages prescribed in the 1990 Order together with the rateable values apportioned by that Order to the local authorities whose areas comprise or form part of the valuation area;".

(5) In section 2(2)(a) of that Act, after the reference to "subsection (1)(a)", insert the words "or (gg)".

(**a**) 1956 c.60; section 6(1) was amended by the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c.47), Schedule 6 and the Local Government and Housing Act 1989 (c.42), Schedule 6, paragraph 3.

(6) In section 3(2) of that Act after the reference to "2(1)(g)" insert the words "or (gg)".

(7) In section 3(4) of that Act, after the words "lands and heritages" where they appear for the first time, there shall be inserted the following:–

"(other than lands and heritages within the class of lands and heritages prescribed in the 1990 Order)".

Revocation

10. The British Telecommunications plc. (Rateable Values) (Scotland) Order 1985(a) is hereby revoked.

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

St. Andrew's House, Edinburgh
30th March 1990

(a) S.I. 1985/193.

SCHEDULE

Article 6

Apportionment of aggregate amount of rateable values of prescribed class of lands and heritages for financial year 1990-91

(1) Local authority	(2) Apportioned amount
District Councils:–	
Berwickshire	£ 55,609
Ettrick and Lauderdale	108,930
Roxburgh	102,193
Tweeddale	42,213
Clackmannan	97,352
Falkirk	340,073
Stirling	242,042
Annandale and Eskdale	91,574
Nithsdale	161,996
Stewartry	68,697
Wigtown	83,850
Dunfermline	301,909
Kirkcaldy	355,976
North East Fife	176,163
Aberdeen City	877,916
Banff and Buchan	226,881
Gordon	180,884
Kincardine and Deeside	119,886
Moray	217,945
Badenoch and Strathspey	39,455
Caithness	76,042
Inverness	217,142
Lochaber	63,644
Nairn	25,395
Ross and Cromarty	139,279
Skye and Lochalsh	41,732
Sutherland	45,658
East Lothian	194,269
Edinburgh City	1,702,670
Midlothian	164,384
West Lothian	351,188
Argyll and Bute	211,134
Bearsden and Milngavie	84,130
Clydebank	123,344
Clydesdale	123,457
Cumbernauld	146,783
Cumnock and Doon Valley	82,641
Cunninghame	315,974
Dumbarton	183,593
East Kilbride	210,936
Eastwood	92,642
Glasgow City	2,266,664
Hamilton	260,413
Inverclyde	207,085
Kilmarnock	191,900

(1) Local authority	(2) Apportioned amount
Kyle and Carrick	319,548
Monklands	217,050
Motherwell	311,114
Renfrew	548,166
Strathkelvin	170,562
Angus	244,662
Dundee City	488,101
Perth and Kinross	376,200
Islands Councils:–	
Orkney	62,760
Shetland	72,442
Western Isles	75,752

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the valuation for the financial year 1990-91 of certain lands and heritages occupied by British Telecommunications plc. (article 3) ("the prescribed class of lands and heritages").

The Order prescribes the aggregate amount of the rateable values of the prescribed class of lands and heritages for that financial year at £14,300,000 (article 5). It also apportions that aggregate amount among local authorities in accordance with the Schedule to the Order (article 6).

The Order provides that the non-domestic water rate shall not be leviable in respect of the prescribed class of lands and heritages for that financial year (article 4).

The Order amends certain enactments relating to the valuation of the prescribed class of lands and heritages (articles 7 to 9).

The Order also revokes the British Telecommunications plc. (Rateable Values) (Scotland) Order 1985 (S.I. 1985/193).

£1.40 net

ISBN 0 11 003821 5

Printed in the United Kingdom by HMSO at Edinburgh Press

800 WO 0777 C10 4/90 452/4 19593 PS 8350958 (279020)