STATUTORY INSTRUMENTS

1976 No. 535

RATING AND VALUATION

The Docks and Harbours (Rateable Values) Order 1976

Made - - - -	16*th March* 1976
Laid before Parliament	16*th March* 1976
Coming into Operation	1*st April* 1976

The Secretary of State for the Environment, in exercise of his powers under section 19 of the Local Government Act 1974**(a)** and section 114 of the General Rate Act 1967**(b)**, as applied by section 22(3) of the Local Government Act 1974, and of all other powers enabling him in that behalf, after consultation with the associations of local authorities and of persons carrying on undertakings appearing to him to be concerned and the local authorities and persons carrying on undertakings with whom consultation appeared to him to be desirable, hereby makes the following order:—

Title and commencement

1. This order may be cited as the Docks and Harbours (Rateable Values) Order 1976 and shall come into operation on the day following the day on which it has been approved by a resolution of each House of Parliament.

Interpretation

2.—(1) The Interpretation Act 1889**(c)** shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order—

"the Commissioners" means the Commissioners of Inland Revenue;

"the Index" means the figure for the index of Retail Prices for All Items published by the Secretary of State;

"relevant receipts" in relation to any dock or harbour undertaking, means all receipts by way of revenue included or to be included in the accounts of the undertaking, whether derived from the operations carried on under the authority referred to in article 3(1) or otherwise, and includes such receipts

(a) 1974 c. 7. (b) 1967 c. 9. (c) 1889 c. 63.

from all ancillary land and buildings occupied by the person carrying on the undertaking in connection with the dock or harbour, but shall exclude—

(*a*) receipts in respect of cargo handling;

(*b*) receipts in respect of pilotage;

(*c*) investment income from—

(i) investments required to be shown in the accounts of the undertaking (other than investments in subsidiary companies);

(ii) loans or deposits made for a period of 60 calendar months or less;

(iii) investments in companies engaged wholly or mainly in cargo handling and not falling within either of the two preceding items;

(*d*) the rents of parts of the dock or harbour undertaking let, notwithstanding that such parts as let are separately rated, except in so far as those rents exceed 10 per cent of the sum arrived at after deducting the excluded items (*a*), (*b*) and (*c*) above from all receipts of the undertaking;

"subsidiary" means a subsidiary as defined by section 154 of the Companies Act 1948**(a)**;

"year" means a period of twelve months beginning with 1st April.

In the application of the definition of "relevant receipts", receipts in respect of cargo handling shall be taken to be—

(*a*) in the case of an undertaking to which the Statutory Harbour Undertakings (Forms of Accounts etc.) (Local Authorities) Regulations 1969**(b)**, as amended **(c)**, apply, the revenue from cargo handling indicated separately in the revenue account under paragraph 13(1)(*a*) of Schedule 2 to the said Regulations;

(*b*) in the case of an undertaking to which the Statutory Harbour Undertakings (Form of Accounts etc.) (Companies) Regulations 1969**(d)** apply, the revenue from cargo handling indicated separately in the profit and loss account under paragraph 2(*a*) of Schedule 2 to the said Regulations; and

(*c*) in any other case, the revenue from cargo handling indicated separately in the revenue account under paragraph 15(1)(*a*) of Schedule 2 to the Statutory Harbour Undertakings (Form of Accounts etc.) (General) Regulations 1969**(e)** or which would have been so indicated if those Regulations had applied to the undertaking.

(3) In this order, unless the context otherwise requires references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment or by this order.

(4) Any reference in this order to a numbered article shall, unless the reference is to an article of a specified order, be construed as a reference to the article bearing that number in this order.

(5) Any reference in any article of this order to a numbered paragraph shall,

(a) 1948 c. 38. **(b)** S.I. 1969/1296 (1969 III, p. 3860).
(c) The amendment is not relevant to this order.
(d) S.I. 1969/1297 (1969 III, p. 3873). **(e)** S.I. 1969/1295 (1969 III, p. 3841).

unless the reference is to a paragraph of a specified article, be construed as a reference to the paragraph bearing that number in the first-mentioned article.

Application

3.—(1) Subject to paragraphs (2) and (3), this order shall apply, in respect of the year beginning on 1st April 1976 and subsequent years to any hereditament which comprises (wholly or partly) a dock or harbour undertaking and is occupied by the persons carrying on such undertaking under authority conferred by or under any enactment.

(2) This order shall not apply—

(*a*) where the relevant receipts of the dock or harbour undertaking in the year preceding the year in respect of which the rateable value is to be determined are not more than £2,500;

(*b*) where the persons carrying on the dock or harbour undertaking use the dock or harbour exclusively or mainly for ships resorting thereto solely or mainly for the purpose of bringing or receiving goods of any one or more of the following descriptions, that is to say—

(i) goods which have been manufactured or produced by the persons carrying on the dock or harbour undertaking;

(ii) goods which are to be used by those persons for the manufacture or production of goods or electricity;

(iii) goods which are to be sold by such persons, but for this purpose there shall be treated as carried on by the persons carrying on the dock or harbour undertaking the activities of manufacture, production or sale carried on by those persons' associated bodies corporate.

For the purposes of sub-paragraph (*b*) a body corporate shall be treated as the associated body corporate of any persons who directly or indirectly own or control not less than 51 per cent of its issued share capital, and of any body corporate of which it or its associated body corporate directly or indirectly own or control not less than 51 per cent of the issued share capital.

(3) Except in so far as resulting from the definition of "relevant receipts", this order shall not apply to premises occupied by the persons carrying on a dock or harbour undertaking which are not on operational land of such persons.

In this paragraph, "operational land", in relation to any persons carrying on a dock or harbour undertaking, means land which is used for the purpose of the carrying on of the undertaking, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used for the purpose of the carrying on of statutory undertakings within the meaning of the Town and Country Planning Act 1971**(a)**. Any question as to whether, for the purposes of this definition, any premises are situated on operational land of the persons carrying on the dock or harbour undertaking shall be determined by the Secretary of State.

Rateable Value

4.—(1) For any year the rateable value of any hereditament to which this order applies shall be—

(a) 1971 c. 78.

(*a*) where the dock or harbour undertaking is wholly comprised in one hereditament the appropriate percentage of the relevant receipts of the dock or harbour undertaking in the preceding year;

(*b*) where the dock or harbour undertaking extends to two or more hereditaments the proportion of the appropriate percentage of the relevant receipts of the dock or harbour undertaking in the preceding year allocated to the hereditament under Article 5.

(2) For the purposes of this article and of Article 5(3) the appropriate percentage of the relevant receipts shall be—

(*a*) for the year beginning on 1st April 1976, 4¼ per cent of the relevant receipts in the year ending 31st March 1976;

(*b*) for any subsequent year, 4¼ per cent of the relevant receipts multiplied by $\frac{140{\cdot}5}{y}$ where y is the Index for September of the year to which the relevant receipts relate.

5.—(1) In respect of any hereditament or hereditaments to which this order applies, it shall be the duty of the persons carrying on the dock or harbour undertaking in any year, within six months from the beginning of the year, to furnish to the Commissioners and to the rating authority or authorities concerned a certified statement of the relevant receipts in the preceding year, taking, where necessary, proportionate fractions of such receipts included or to be included in the accounts for periods ending in that year and estimates of such receipts for portions of that year not covered by such accounts.

(2) The persons on whom a duty is placed by the preceding paragraph may elect that instead of furnishing a certified statement of relevant receipts in the year ending on the 31st March they shall furnish a certified statement of relevant receipts in the period of 12 months ending on the preceding 31st December; and where such an election has been made—

(*a*) it shall apply to that year and to all subsequent years, and

(*b*) any references in this article and in articles 4 and 8 to relevant receipts in a year which is covered by an election shall be construed as reference to relevant receipts in the period of 12 months ending on the preceding 31st December.

(3) Within two months of the receipt by them of the certificate furnished to the Commissioners under paragraph (1) or (2) the Commissioners shall calculate the rateable value of the hereditament or hereditaments. Where the dock or harbour undertaking extends into two or more hereditaments the appropriate percentage of the relevant receipts shall be apportioned among the hereditaments in such manner as may be agreed by the Commissioners with the persons carrying on the undertaking and the rating authorities concerned, or in default of agreement determined by the Secretary of State.

(4) On the calculation of the rateable value of any hereditament for any year the Commissioners shall notify the amount of that rateable value to the persons carrying on the dock or harbour undertaking and to the rating authority, and the valuation officer shall cause such alterations (if any) to be made in the valuation list as may be requisite for showing such rateable value; and such alterations shall be treated as having been made at the beginning of that year.

6. The duty imposed on the persons carrying on any undertaking by article 5(1) shall be enforceable by mandamus at the instance of any rating authority concerned or of the Commissioners; and the duties imposed on the Commissioners and the valuation officer by article 5(3) and (4) shall be enforceable by mandamus at the instance of any such rating authority or of the persons aforesaid.

7. No proposals shall be made for the alteration of the rateable value of a hereditament to which this order applies.

Transitional provision

8. An election made under article 5(1A) of the Docks and Harbours (Valuation) Order 1971**(a)**, as amended **(b)**, shall have effect as if made under article 5(2).

Anthony Crosland,
Secretary of State for the Environment.

16th March 1976.

(a) S.I. 1971/561 (1971 I, p. 1560). **(b)** S.I. 1973/654 (1973 I, p. 2095).

EXPLANATORY NOTE

(This Note is not part of the Order.)

Section 19 of and Schedule 3 to the Local Government Act 1974 empower the Secretary of State to make provision for determining the rateable values of any hereditament occupied by the persons carrying on, under authority conferred by or under any enactment, a dock or harbour undertaking, or any class of such hereditaments.

This Order makes such provision for the years 1976–77 and subsequent years in respect of undertakings other than those set out in article 3(2). The rateable value is to be 4¼ per cent of the relevant receipts, as defined, adjusted for years subsequent to 1976–77 in accordance with the relationship which the figure for the index of Retail Prices for All Items in September 1975 bears to the figure for the month of September in the year to which the relevant receipts relate. Articles 5 to 8 contain provisions for the calculation of and notification of rateable value by the Commissioners of Inland Revenue and supplemental and transitional provisions.

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