STATUTORY INSTRUMENTS

1975 No. 650 (S.88)

LOCAL GOVERNMENT, SCOTLAND

The Domestic Water Rate Product (Scotland) Regulations 1975

Made - - -	*16th April* 1975
Laid before Parliament	*25th April* 1975
Coming into Operation	*16th May* 1975

In exercise of the powers conferred on me by section 111 of the Local Government (Scotland) Act 1973(**a**), as read with section 9(1) of the Local Government (Financial Provisions) (Scotland) Act 1963(**b**) as amended by paragraph 54 of Schedule 9 to the said Act of 1973 and as applied by section 12(4) of the Water (Scotland) Act 1967(**c**), and of all other powers enabling me in that behalf, and after consultation with such associations of local authorities as appear to me to be concerned, I hereby make the following regulations:—

1. These regulations may be cited as the Domestic Water Rate Product (Scotland) Regulations 1975 and shall come into operation on 16th May 1975.

2.—(1) The Interpretation Act 1889(**d**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) Any reference in these regulations to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(3) In these regulations, unless the context otherwise requires—

"the Act of 1947" means the Local Government (Scotland) Act 1947(**e**);

"the Act of 1949" means the Water (Scotland) Act 1949(**f**);

"the Act of 1967" means the Water (Scotland) Act 1967;

"the Act of 1973" means the Local Government (Scotland) Act 1973;

"annual value of such lands and heritages as appear in the valuation roll" means—

(*i*) for the year 1974–75, the total of the net annual values or fractions thereof according to which domestic water rate would be levied under the provisions of Part I of the Act of 1949 on the lands and heritages appearing in the valuation roll for the year 1974–75; and

(*ii*) for any later year, the mean of the net annual values or fractions thereof as aforesaid as at the first day of the year or at 16th May 1975 whichever is the later and as at the last day of the year;

(a) 1973 c. 65. (b) 1963 c. 12. (c) 1967 c. 78. (d) 1889 c. 63. (e) 1947 c. 43. (f) 1949 c. 31.

"contributing authority" has the meaning assigned to it by section 11(4)(*a*) of the Act of 1967;

"domestic water rate" has the meaning assigned to it by section 1 of the Act of 1949;

"financial year" has the meaning assigned to it by section 96(5) of the Act of 1973;

"relevant part of a region" has the meaning assigned to it by section 12(2)(*b*) of the Act of 1967;

"year" means the relevant financial year as defined in section 12(2)(*b*) of the Act of 1967;

"gross domestic water rate income", in relation to any relevant part of a region and any year, means the aggregate of the following amounts, namely—

(*a*) the total amount which would be produced by levying in accordance with the provisions of Part I of the Act of 1949 on all lands and heritages within that part (not being lands and heritages referred to in the next two succeeding heads) the domestic water rate applicable to that part for that year according to the annual value of such lands and heritages as appear in the valuation roll for that year; and

(*b*) the amount of any contribution made by the Crown in aid of domestic water rates for that year in respect of any lands and heritages within that part owned by the Crown or occupied by or on behalf of the Crown for public purposes; and

(*c*) the amount of any contribution made in aid of domestic water rates for that year in respect of lands and heritages within that part under sections 20 and 21 of the Valuation and Rating (Scotland) Act 1956(**a**) (which provide for the making of such contributions by police authorities and the Commissioners of Northern Lighthouses); and

(*d*) any amount recovered by the contributing authority in that year for that part in respect of domestic water rates previously written off as irrecoverable;

"net domestic water rate income", in relation to any year and relevant part of a region, means the gross domestic water rate income for that year for that part reduced by the aggregate of the following amounts, namely—

(*a*) the amount by which the aggregate of all sums payable for that part for that year by way of domestic water rates in respect of lands and heritages to which any of the following provisions apply or as the case may be in respect of which a reduction, remission, relief or exemption has been granted under any of those provisions, falls short of the aggregate of the sums which would have been so payable but for those provisions—

(*i*) section 243 of the Act of 1947 (which relates to exemption from rates or remission thereof in respect of unoccupied and unfurnished subjects);

(*ii*) section 244 of the Act of 1947 (which relates to relief from rates on account of poverty);

(**a**) 1956 c. 60.

(*b*) the amount of any repayment of domestic water rates to owners for that part for that year under sections 240 or 241 of the Act of 1947 (which provide in certain circumstances for repayment of rates levied on an owner); and

(*c*) the amount of any repayment by the contributing authority for that part for that year under section 20 of the Local Government (Financial Provisions) (Scotland) Act 1963 (which provides for repayment of rates paid in error); and

(*d*) the amount of any domestic water rates written off by the contributing authority for that part for that year as irrecoverable.

3. The product of a domestic water rate of one penny in the pound for the relevant part of the region of a contributing authority for any year shall be calculated by dividing the net domestic water rate income for that part for that year by the number of pence in the pound of the domestic water rate for that part for that year.

4.—(1) As soon as may be after the close of each year each contributing authority shall calculate the product of a domestic water rate of one penny in the pound for that year for the relevant part of their region and transmit the results of their calculations to the water authority making the requisition.

(2) In calculating estimates of the product of a domestic water rate of one penny in the pound for the purposes of other regulations under section 111 of the Act of 1973 the contributing authority shall take the latest ascertained figures available for the relevant part of their region to which the estimate relates, and shall modify these figures to such extent as appears to them necessary having regard to any alteration which may reasonably be foreseen in total annual values, and to any other material circumstances.

5. The Domestic Water Rate Product (Scotland) Rules 1968(**a**) as amended(**b**) shall not apply in relation to requisitioning in respect of any financial year after 1974–75.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

16th April 1975.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations provide for the determination of the product of a domestic water rate of one penny in the pound for the purpose of enabling water authorities to make their requisitions on their contributing authorities under section 12(3) of the Water (Scotland) Act 1967.

(**a**) S.I. 1968/710 (1968 II, p. 2017). (**b**) S.I. 1971/416 (1971 I, p. 1239).

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