Draft Regulations laid before the Scottish Parliament under section 47(3) of the Planning etc. (Scotland) Act 2006, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2007 No.

LOCAL GOVERNMENT

The Business Improvement Districts (Ballot Arrangements) (Scotland) Regulations 2007

Made - - - -	*2007*
Coming into force - -	*2007*

The Scottish Ministers, in exercise of the powers conferred by section 40(9) and (10) of the Planning etc. (Scotland) Act 2006(**a**), and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with section 47(3) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. These Regulations may be cited as the Business Improvement Districts (Ballot Arrangements) (Scotland) Regulations 2007 and shall come into force on 1st April 2007.

Interpretation

2. In these Regulations–

"the 2006 Act" means the Planning etc. (Scotland) Act 2006;

"eligible ratepayer" means a person who is an eligible person in terms of section 39(4) of the 2006 Act, who is entitled to vote in a ballot for particular BID proposals; and

"other eligible person" means a person who is an eligible person in terms of section 39(5) of the 2006 Act, who is entitled to vote in a ballot for particular BID proposals.

Approval in ballot – second voting condition

3.—(1) This Regulation makes provision for the meaning of "A" and "B", for the purposes of section 40(4) of the 2006 Act, in the case of a ballot following on the submission of a statement which specifies entitlement to vote in accordance with sub-paragraph (ii) of section 39(3)(a) of the 2006 Act.

(2) "A" is the aggregate of the C rateable values, D rateable values and E rateable values of the lands and heritages in respect of which a person voting in the ballot has voted in favour of the BID proposals.

(3) "B" is the aggregate of the C rateable values, D rateable values and E rateable values of the lands and heritages in respect of which a person voting in the ballot has voted against the BID proposals.

(**a**) 2006 asp 17.

(4) For the purposes of paragraphs (2) and (3)–

"C rateable values" means the rateable values of those lands and heritages in respect of which a person votes in the ballot as an eligible ratepayer, and in respect of which lands and heritages there is no other eligible person;

"D rateable values" means the rateable values which amount to P per cent of the rateable values of those lands and heritages in respect of which a person votes in the ballot as an eligible ratepayer, and in respect of which lands and heritages there is an other eligible person; and

"E rateable values" means the rateable values which amount to Q per cent of the rateable values of those lands and heritages in respect of which a person votes in the ballot as an other eligible person and in respect of which lands and heritages there is an eligible ratepayer.

(5) The function of determining P and Q for the purposes of paragraph (4) is delegated to the persons who have drawn up the BID proposals which are the subject of the ballot;

Provided that–

$$P + Q = 100.$$

(6) Those persons shall determine P and Q having regard to their assessment of the anticipated benefits that shall accrue to the eligible ratepayers (as a group), in comparison with the other eligible persons (as a group), from the BID proposals if they were to be approved by the ballot.

A member of the Scottish Executive

St Andrew's House,
Edinburgh
2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 40 of the Planning etc. (Scotland) Act 2006 provides for 4 conditions that require to be satisfied before Business Improvement District ("BID") proposals are to be regarded as approved by a ballot. The second condition is that "A" exceeds "B". These Regulations define the meaning of "A" and "B" in the case of a ballot that follows the submission of a statement which specifies entitlement to vote in accordance with sub-paragraph (ii) of section 39(3)(a) of the 2006 Act. This relates to BID proposals where both eligible ratepayers and other eligible persons (eligible owners and tenants) are entitled to vote in the ballot.

Regulation 3 defines the steps by which "A" and "B" will be calculated in the case of such a ballot. Where a ballot only involves eligible ratepayers voting, the meaning of "A" and "B" is provided for in section 40(7) and (8) of the Planning etc. (Scotland) Act 2006.

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