1988 No. 1963 (S.187)

LOCAL GOVERNMENT, SCOTLAND
RATING AND VALUATION
COMMUNITY CHARGES, SCOTLAND

The Local Government (Non-Domestic District Rates and District Community Charges) (Scotland) Regulations 1988

Made - - - -	*10th November 1988*
Laid before Parliament	*11th November 1988*
Coming into force	*2nd December 1988*

The Secretary of State, in exercise of the powers conferred upon him by sections 110(2) and (3) and 111 of the Local Government (Scotland) Act 1973(**a**), the said section 111 as read with section 9(1) of the Local Government (Financial Provisions) (Scotland) Act 1963(**b**), sections 11B(3), 26(1) and 31(3) of, and paragraph 6 of Schedule 2 to, the Abolition of Domestic Rates Etc. (Scotland) Act 1987(**c**) and of all other powers enabling him in that behalf, and after consultation, as required by the said section 111, with such associations of local authorities as appear to him to be concerned, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Local Government (Non-Domestic District Rates and District Community Charges) (Scotland) Regulations 1988 and shall come into force on 2nd December 1988.

Interpretation

2. In these Regulations–

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

"the 1956 Act" means the Valuation and Rating (Scotland) Act 1956(**e**);

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

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

"the 1987 Act" means the Abolition of Domestic Rates Etc. (Scotland) Act 1987;

and any references to–

(**a**) 1973 c.65; section 110 was amended by the Abolition of Domestic Rates Etc. (Scotland) Act 1987, Schedule 1, paragraph 29; section 111 was relevantly amended by the Abolition of Domestic Rates Etc. (Scotland) Act 1987, Schedule 1, paragraph 30, and Schedule 6.

(**b**) 1963 c.12; section 9(1) was amended by the Local Government (Scotland) Act 1973, Schedule 9, paragraph 54(a).

(**c**) 1987 c.47; section 11B was inserted by the Local Government Finance Act 1988 (c.41), Schedule 12, paragraph 21; section 26(1) contains a definition of "prescribed" relevant to the exercise of the statutory powers under which these Regulations are made; paragraph 6 was amended by the Local Government Finance Act 1988, Schedule 12, paragraph 36(8).

(**d**) 1947 c.43.

(**e**) 1956 c.60.

(**f**) 1975 c.30.

(a) a district personal, standard or collective community charge means the personal, standard or, as the case may be, collective community charge imposed by a district council; and

(b) a regional personal, standard or collective community charge means the personal, standard or, as the case may be, collective community charge imposed by a regional council.

Non-domestic district rate

3. For the purposes of section 110(2) and (3) of the 1973 Act, the amount due by a regional council to the council of a district which falls within their region in respect of the non-domestic district rate determined by that district council for the financial year 1989-90 and each subsequent financial year shall be ascertained in accordance with the following formula:–

$$A = (B - C) \times \frac{D}{(D + E)}$$

where–

A is the amount due by the regional council to that district council in respect of the non-domestic district rate for that year;

B is the gross rate income produced in the district of the district council for that year calculated in accordance with regulation 4 below;

C is the aggregate of the deductions specified in regulation 5 below to be made from that gross rate income for that year;

D is the non-domestic district rate determined by the district council for that year; and

E is the non-domestic regional rate determined by the regional council for that year.

4. For the purposes of the definition of B in regulation 3 above, the gross rate income produced in the district of a district council for any financial year shall be calculated by aggregating the following amounts:–

(a) the total amount of the non-domestic regional and district rates for that year for which payment has been demanded by or on behalf of the rating authority in respect of lands and heritages within that district;

(b) the amount of any contributions made by the Crown in aid of the non-domestic regional and district rates for that year in respect of all lands and heritages within that district, in respect of which no rates are payable because they are occupied by or on behalf of the Crown;

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

(d) the amount by which the amount referred to in paragraph (a) above is relieved, reduced or remitted under the following provisions:–

(i) section 243A of the 1947 Act(**b**) (relief of rates in respect of subjects partly occupied for a short time);

(ii) section 244 of the 1947 Act (remission of rates on account of poverty);

(iii) section 4(5) of the Local Government (Financial Provisions etc.) (Scotland) Act 1962(**c**) (discretionary reduction and remission of rates payable by charitable and other organisations);

(e) the amount of any grant made under section 69 of the Local Government, Planning and Land Act 1980(**d**) (grants in respect of rebates under the Rating (Disabled Persons) Act 1978(**e**) in respect of any rebates from the non-domestic regional and district rates for that year given by the rating authority in respect of lands and heritages within that district; and

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(**a**) Section 21 was amended by the Local Government (Scotland) Act 1973, Schedule 9, paragraph 48 and Schedule 29.

(**b**) Section 243A was inserted by the Rating and Valuation (Amendment) (Scotland) Act 1984 (c.31), section 6.

(**c**) 1962 c.9; section 4(5) was amended by the Local Government and Planning (Scotland) Act 1982 (c.43), section 5(1)(b).

(**d**) 1980 c.65.

(**e**) 1978 c.40.

(f) any amount of the amount referred to in paragraph (a) above which is recovered by the rating authority after being written off as irrecoverable.

5. For the purposes of the definition of C in regulation 3 above, the deductions to be made from the gross rate income produced in the district of a district council for any financial year are as follows:–

(a) the amount of the repayment of any amount referred to in regulation 4(a) above made–

(i) under section 240 or 241 of the 1947 Act(**a**) (repayment in certain circumstances of rates levied on owners);

(ii) under section 243 of the 1947 Act(**b**) (remission of rates in respect of unoccupied and unfurnished subjects);

(iii) under section 20 of the Local Government (Financial Provisions) (Scotland) Act 1963(**c**) or under any rule of law, where the repayment is in respect of rates paid in error;

(iv) under section 9(2) of the 1975 Act (repayment of rates following valuation appeal);

and any interest paid in terms of section 9A of the 1975 Act(**d**) (interest on rates paid in error) on the amounts referred to in heads (iii) and (iv) above; and

(b) the amount of any amount referred to in regulation 4(a) above which is written off by the rating authority as irrecoverable.

Payments in respect of non-domestic district rates

6. In respect of the financial year 1989-90 and each subsequent financial year, a regional council shall pay to the council of each district which falls within their region:–

(a) such instalments on account of the non-domestic district rate for that year; and

(b) at such intervals (whether or not within that year),

as may be agreed between the regional council and the district council or, failing agreement, as may be determined by the Secretary of State.

District community charges

7. For the purposes of paragraph 6 of Schedule 2 to the 1987 Act and subject to any provision made under paragraph 6(b) of Schedule 3 to that Act(**e**) (levying and collection costs of redetermined community charges), the amount produced in a district by the district community charges for the financial year 1989–90 and each subsequent financial year shall be ascertained by aggregating the amount produced in the district by the district personal, standard and collective community charges for that year as ascertained in accordance with regulations 8 to 16 below.

District personal community charge

8. The amount produced in a district by the district personal community charge for any financial year shall be ascertained in accordance with the following formula:–

$$A = (B - C) \times \frac{D}{(D + E)}$$

(**a**) Section 240 was amended by the Valuation and Rating (Scotland) Act 1956, section 33 and Schedule 7, by the Local Government (Financial Provisions) (Scotland) Act 1963, section 17, and by the Local Government (Scotland) Act 1973, Schedule 29; section 241 was amended by the Valuation and Rating (Scotland) Act 1956, section 33 and Schedule 7, and by the Local Government (Scotland) Act 1973, Schedule 29.

(**b**) Section 243 was amended by the Local Government (Financial Provisions) (Scotland) Act 1963, section 18 and Schedule 3, by the Local Government (Scotland) Act 1966 (c.51), Schedule 5, paragraph 3; by the Local Government (Scotland) Act 1973, Schedule 29, by the Local Government (Scotland) Act 1975, Schedule 6, paragraph 13, by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c.23) section 6, and by the Rating and Valuation (Amendment) (Scotland) Act 1984, Schedule 2, paragraph 7.

(**c**) 1963 c.12; section 20 was amended by the Local Government (Scotland) Act 1973, Schedule 29 and by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981, Schedule 3, paragraph 5.

(**d**) Section 9A was inserted by the Local Government Finance Act 1988, Schedule 12, paragraph 13. Under the Commencement Order to that Act (S.I. 1988/1456, Schedule 5), paragraph 13 comes into force on 1st April 1990.

(**e**) Regulations which are currently made under paragraph 6(b) are the Community Charges (Levying, Collection and Payment) (Scotland) Regulations 1988 (S.I. 1988/1880), regulation 9.

where–

A is the amount produced in the district by the district personal community charge for that year;

B is the gross personal community charge income produced in the district for that year calculated in accordance with regulation 9 below;

C is the aggregate of the deductions specified in regulation 10 below to be made from that gross personal community charge income for that year;

D is the district personal community charge for that year; and

E is the regional personal community charge for that year.

9. For the purposes of the definition of B in regulation 8 above, the gross personal community charge income produced in the district for any financial year shall be calculated by aggregating the following amounts:–

(a) the total amount of the regional and district personal community charges for that year for which payment has been demanded by or on behalf of the levying authority from each person within the district shown on the register as liable to pay such charges;

(b) the amount of any contributions made by the Crown in respect of any person who is exempt for any time in that year from liability to pay the regional and district personal community charges for that year under paragraph 11 of Schedule 1A to the 1987 Act(**a**) (exemption of persons solely or mainly resident in Crown land designated by the Secretary of State);

(c) the amount of any interest and surcharge payable under section 18(3) of the 1987 Act on the amount referred to in paragraph (a) above;

(d) the amount by which the amount referred to in paragraph (a) above is reduced by any community charge rebate or community charge benefit granted under Part II of the Social Security Act 1986(**b**); and

(e) any amount of the amount referred to in paragraph (a) above which is recovered by the levying authority after being written off as irrecoverable.

10. For the purposes of the definition of C in regulation 8 above, the deductions to be made from the gross personal community charge income produced in the district for any financial year are as follows:–

(a) the amount of the repayment of any amount referred to in regulation 9(a) above made under paragraph 9 of Schedule 2 to the 1987 Act; and

(b) the amount of any amount referred to in regulation 9(a) above which is written off by the levying authority as irrecoverable.

District standard community charge

11. The amount produced in a district by the district standard community charge for any financial year shall be ascertained in accordance with the following formula:–

$$A = (B - C) \times \frac{D}{(D + E)}$$

where–

A is the amount produced in the district by the district standard community charge for that year;

B is the gross standard community charge income produced in the district for that year calculated in accordance with regulation 12 below;

C is the aggregate of the deductions specified in regulation 13 below to be made from that gross standard community charge income for that year;

D is the district standard community charge for that year; and

E is the regional standard community charge for that year.

(**a**) Schedule 1A was inserted by the Local Government Finance Act 1988, Schedule 12, paragraph 35.

(**b**) 1986 c.50; Part II was modified in respect of community charge rebates by the Housing Benefit (Social Security Act 1986 Modifications) (Scotland) Regulations 1988 (S.I. 1988/1483), and was amended in respect of community charge benefits by the Local Government Finance Act 1988, Schedule 10.

12. For the purposes of the definition of B in regulation 11 above, the gross standard community charge income produced in the district for any financial year shall be calculated by aggregating the following amounts:–

(a) the total amount of the regional and district standard community charges for that year for which payment has been demanded by or on behalf of the levying authority in respect of all premises within that district which are shown in the register as being premises in respect of which those charges are payable;

(b) the amount of any contributions made by the Crown in respect of premises within that district in respect of which the standard community charge would have been payable for that year but for section 30(3) of the 1987 Act(**a**);

(c) the amount of any interest and surcharge payable under section 18(3) of the 1987 Act on the amount referred to in paragraph (a) above; and

(d) any amount of the amount referred to in paragraph (a) above which is recovered by the levying authority after being written off as irrecoverable.

13. For the purposes of the definition of C in regulation 11 above, the deductions to be made from the gross standard community charge income produced in the district for any financial year are as follows:–

(a) the amount of the repayment of any amount referred to in regulation 12(a) above made under paragraph 9 of Schedule 2 to the 1987 Act; and

(b) the amount of any amount referred to in regulation 12(a) above which is written off by the levying authority as irrecoverable.

District collective community charge

14. The amount produced in a district by the district collective community charge for any financial year shall be ascertained in accordance with the following formula–

$$A = (B - C) \times \frac{D}{(D + E)}$$

where–

A is the amount produced in the district by the district collective community charge for that year;

B is the gross collective community charge income produced in the district for that year calculated in accordance with regulation 15 below;

C is the aggregate of the deductions specified in regulation 16 below to be made from that gross collective community charge income for that year;

D is the district collective community charge for that year; and

E is the regional collective community charge for that year.

15. For the purposes of the definition of B in regulation 14 above, the gross collective community charge income produced in a district for any financial year shall be calculated by aggregating the following amounts:–

(a) the total amount of the regional and district collective community charges for that year for which payment has been demanded by or on behalf of the levying authority in respect of all premises within that district which are shown in the register as being premises in respect of which those charges are payable;

(b) the amount of any interest and surcharge payable under section 18(3) of the 1987 Act on the amount referred to in paragraph (a) above; and

(c) any amount of the amount referred to in paragraph (a) above which is recovered by the levying authority after being written off as irrecoverable.

16. For the purposes of the definition of C in regulation 14 above, the deductions to be made from the gross collective community charge income produced in the district for any financial year are as follows:–

(a) the amount of the repayment of any amount referred to in regulation 15(a) above made under paragraph 9 of Schedule 2 to the 1987 Act; and

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(**a**) Section 30(3) was amended by the Local Government Finance Act 1988, Schedule 12, paragraph 34.

(b) the amount of any amount referred to in regulation 15(a) above which is written off by the levying authority as irrecoverable.

Prescribed date for notifying estimate of district community charges

17. For the purposes of section 11B(3) of the 1987 Act (date before which a regional council is to notify a district council within its region of estimate of amount produced in district by each of the district community charges), the date prescribed in relation to the financial year 1989-90 and each subsequent financial year is 15th December in the financial year immediately preceding each of those years.

Payments in respect of district community charges

18. In respect of the financial year 1989-90 and each subsequent financial year a regional council shall pay to the council of each district which falls within the region:–

(a) such instalments on account of each of the district community charges; and

(b) at such intervals (whether or not in that year),

as may be agreed between the regional council and the district council or, failing agreement, as may be determined by the Secretary of State.

Revocations

19. In respect of the financial year 1989-90 and each subsequent financial year, there are revoked:–

(a) in the Rating (Timetable and Procedures) (Scotland) Regulations 1986(**a**), regulations 6 and 7(1) and, in regulation 7(3), the words "a district rate or" and "rate or";

(b) the Local Government (Rate Product) (Scotland) Regulations 1985(**b**);

(c) the Local Government (Rate Product) (Scotland) Amendment Regulations 1986(**c**); and

(d) the Local Government (Rate Product) (Scotland) Amendment Regulations 1988(**d**).

Ian Lang
Minister of State,
Scottish Office

St. Andrew's House, Edinburgh
10th November 1988

(**a**) S.I. 1986/411; regulation 3, 4 and 5 and the Schedule were revoked by S.I. 1987/2167 in respect of the financial year 1989-90 and subsequent financial years.
(**b**) S.I. 1985/246.
(**c**) S.I. 1986/407.
(**d**) S.I. 1988/19.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to how there is to be ascertained the amount which a regional council is liable to pay to a district council in respect of the non-domestic district rate and the district community charges for the financial year 1989-90 and each subsequent financial year (regulations 3 to 5 and 7 to 16).

They also prescribe 15th December in the year immediately preceding each of those financial years as the date before which a regional council is required to notify each district council of its estimate of the amount which it is liable to pay to the district council in respect of each of the district community charges for the following financial year (regulation 17).

The Regulations also make provision as to how a regional council is to make payments to a district council on account of the non-domestic district rate and the district community charges for each year (regulations 6 and 18).

These Regulations also revoke, in respect of the financial year 1989-90 and each subsequent financial year, the Local Government (Rate Product) (Scotland) Regulations 1985 and the Regulations in 1986 and 1988 amending those Regulations. They also revoke certain provisions in the Rating (Timetable and Procedures) (Scotland) Regulations 1986 (regulation 19).