STATUTORY INSTRUMENTS

1975 No. 652 (S. 90)

LOCAL GOVERNMENT, SCOTLAND

Local Government (Rate Product) (Scotland) Regulations 1975

Made - - - -	16*th April* 1975
Laid before Parliament	25*th April* 1975
Coming into Operation	16*th 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 after consultation with such associations of local authorities as appear to me to be concerned I hereby make the following regulations:—

Citation and Commencement

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

Interpretation

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

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

"the Act of 1947" means the Local Government (Scotland) Act, 1947(d)

"the Act of 1966" means the Local Government (Scotland) Act 1966(e)

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

"area" means in relation to a district, the whole area within which the council of the district are empowered to levy a district rate, and in relation to an islands area the whole area within which the council of the islands area are empowered to levy a general rate and in relation to a region the sum of the areas of all the districts comprising the region;

"rate" means, in relation to any district the sum of the district rate and the regional rate, and in relation to any islands area the general rate, levied in accordance with the provisions of section 108 of the Act of 1973 within the area of the district or the islands area as the case may be;

(a) 1973 c. 65. (b) 1963 c. 12. (c) 1889 c. 63.
(d) 1947 c. 43. (e) 1966 c. 51.

"rating authority" has the same meaning as in section 109 of the Act of 1973;

"year" means the financial year of a local authority as defined in subsection (5) of section 96 of the Act of 1973;

"rateable value of such lands and heritages as appear in the valuation roll" in relation to any area for any year is the mean of the rateable values in the valuation roll at the first day of the financial year or as at 16th May 1975 whichever is the later and at the last day of the financial year;

"housing body" means a district authority, the Scottish Special Housing Association or a body which is a Development Corporation in terms of the New Towns (Scotland) Act 1968**(a)**;

"gross rate income", in relation to the area of any district or any islands area and any year, means an aggregate of the following amounts, namely—

(*a*) the total amount which would have been produced by levying on all lands and heritages within that area (not being lands and heritages referred to in the next two succeeding heads), the rate applicable to that area according to the rateable value of such lands and heritages as appear in the valuation roll for the year for which the rate is levied; and

(*b*) the amount of any contribution made by the Crown in aid of rates for that year in respect of any lands and heritages within that area 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 rates for that year in respect of lands and heritages within that area under sections 20 and 21 of the Valuation and Rating (Scotland), Act 1956**(b)** (which provides for the making of such contributions by police authorities and the Commissioners of Northern Lighthouses); and

(*d*) any amount recovered by the rating authority in that year for that area in respect of rates previously written off as irrecoverable;

"net rate income", in relation to the area of any district or any islands area and any year, means the gross rate income for that area for that year reduced by the aggregate of the following amounts, namely—

(*a*) the amount by which the aggregate of all sums payable for that area for that year by way of 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, fall 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 of rates on account of poverty);

(iii) section 22 of the Valuation and Rating (Scotland) Act, 1956 (which relates to the exemption from rates of churches, etc);

(a) 1968 c. 16.

(b) 1956 c. 60.

(iv) sections 4 and 5 of the Local Government (Financial Provisions etc.) (Scotland) Act, 1962(a) (which relate to the reduction and remission of rates payable by charitable and other organisations);

(v) orders under section 215(1) of the Act of 1973 which reduce the rate payable in respect of lands and heritages which the Assessor of Public Undertakings (Scotland) is required to value;

provided that the shortfall under heads (i) to (v) inclusive of this paragraph shall be reduced by the amount of any receipts for that area for that year in respect of rates levied under section 24 of the Act of 1966; and

(*b*) the amount for that area for that year of any repayment of rates to owners 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 rating authority for that area for that year under section 20 of the Local Government (Financial Provisions) (Scotland) Act 1963; and

(*d*) the amount of any rates written off by the rating authority for that area in that year as irrecoverable; and

(*e*) the amount of any rate rebates given by the rating authority for the area of that district or islands area for that year under section 112 of the Act of 1973 (which relates to rate rebates for certain domestic rate payers) less any grant towards rebates receivable by the rating authority for that year under section 115 of the Act of 1973; and

(*f*) the amount of the cost of collection of rates, including any deductions under section 33 of the Valuation and Rating (Scotland) Act, 1956 and the amount of any payment by the rating authority to a housing body, for the collection by them of rates levied by the rating authority, for that area excluding any amount apportioned by the rating authority as the cost of collection of domestic water rates; calculated

(i) in the case of an islands area by ascertaining the net cost of collecting and recovering rates during the year, including a proper proportion of such expenses as are attributable to the matters aforesaid; and

(ii) in the case of a district by calculating the sum which bears to the net cost, ascertained for the region in which it is situated, of making, collecting and recovering rates during the year, including a proper proportion of such expenses as are attributable to the matters aforesaid, the same proportion as the rateable value of such lands and heritages as appear in the valuation roll for that district for the year bears to the rateable value of such lands and heritages as appear in the valuation roll for that region for that year.

Rate products

3. The product of a rate of one penny in the pound for the area of any district or islands area for any year shall be calculated by dividing the net rate income for that area for that year by the total in pence in the pound of the rate for that area for that year (disregarding the reduction thereof made in respect of dwellinghouses under section 7 of the Act of 1966).

(a) 1962 c. 9.

4. The product of a rate of one penny in the pound for the area of any region shall be the sum of the products of a rate of one penny in the pound for each of the districts comprising that region.

5.—(1) Each rating authority shall before 1st September in each year calculate as near as may be in the manner prescribed by these regulations an estimate of the product of the rate of one penny in the pound for that year for their area, and if the authority is the council of a region for each of the districts in the region and shall immediately transmit the said estimate or estimates to the Secretary of State; provided that where in any year a rating authority have failed to transmit such an estimate or estimates to the Secretary of State by 1st September the Secretary of State may make such an estimate in lieu of the rating authorities.

(2) As soon as may be after the close of each year each rating authority shall calculate the product of a rate of one penny in the pound for that year for their area and in the case of a region authority for each of the districts in the region and transmit the results of their calculations to the Secretary of State.

(3) In calculating estimates of the product of a rate of one penny in the pound for the purposes stated at (1) above, or for the purposes of other regulations under section 111 of the Act of 1973 the rating authority shall take the latest ascertained figures available for the area to which the estimate relates, and shall modify those figures to such extent as appears to them necessary having regard to any alteration in total rateable values which may reasonably be foreseen, and to any other material circumstances.

6. The Local Government (Rate Product) (Scotland) Rules 1963**(a)** as amended **(b)** do not apply in relation to any year after 1974-75.

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

St. Andrew's House,
EDINBURGH 1

16th April 1975.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations provide for the determination of the product of a rate of one penny in the pound for any local authority in Scotland for the purposes of the distribution of exchequer grants, and of the allocating of expenditure.

(a) S.I. 1963/948 (1963 II, p. 1597).
(b) S.I. 1966/758, 1968/754, 1970/1706 (1966 II, p. 1748; 1968 II, p. 2132; 1970 III, p. 5586).

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