SCOTTISH STATUTORY INSTRUMENTS

2010 No. 38

RATING AND VALUATION

The Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2010

Made - - - - 9th February 2010

Laid before the Scottish Parliament 10th February 2010

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by section 6A(1)(aa) of the Valuation and Rating (Scotland) Act 1956(**a**) and section 27(6A), (6B) and (6C) of the Local Government etc. (Scotland) Act 1994(**b**) and all other powers enabling them to do so.

In accordance with section 6A(1D) of the Valuation and Rating (Scotland) Act 1956(**c**) and section 27(6D) of the Local Government etc. (Scotland) Act 1994 they have consulted such associations of local authorities and such other persons as they think appropriate.

Citation and commencement

1. This Order may be cited as the Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2010. Article 2 shall come into force 31st March 2010 and all other articles shall come into force on 1st April 2010.

Revocation

2. The Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2009(**d**) is hereby revoked.

Amendment of the Non-Domestic Rating (Valuation of Utilities) (Scotland) Order 2005

3. The Non-Domestic Rating (Valuation of Utilities) (Scotland) Order 2005(**e**) is amended in accordance with the following provisions of this Order.

(**a**) 1956 c.60; section 6A(1)(aa) was inserted by section 32(1)(a) of the Local Government in Scotland Act 2003 (asp 1). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(**b**) 1994 c.39; subsections (6A) to (6D) were inserted by section 32(2)(a) of the Local Government in Scotland Act 2003 (asp 1).
(**c**) Section 6A(1D) was inserted by section 32(1)(b) of the Local Government in Scotland Act 2003 (asp 1).
(**d**) S.S.I. 2009/112, which would come into force on 1st April 2010 if not repealed.
(**e**) S.S.I. 2005/127, amended by S.S.I. 2005/320.

Fixed Line Telecommunications

4. After article 7 (railways) insert–

"**Fixed Line Telecommunications**

7A.—(1) Any lands and heritages which would (apart from this Order) be treated as justifying separate entries in two or more valuation rolls shall be treated for all purposes of the Valuation Acts as justifying only one entry in the valuation roll for Renfrewshire in respect of each fixed line operator if they are—

(a) occupied by that fixed line operator; and

(b) occupied by posts, wires, fibres, cables and ducts, telephone kiosks, towers, masts, switching equipment or other equipment, or by servitudes or wayleaves, being property used by that fixed line operator wholly or mainly for the purposes of monitoring, processing or transmission of communications signals for the provision of telecommunications services.

(2) A "fixed line operator" for the purposes of this article, is any of the companies registered at the date of this Order with the following names and registration numbers:

Company name	Registration number
AOL (UK) Ltd	03462696
Atlas Connect Ltd	SC241790
Be Un Limited	05262862
British Telecommunications plc	01800000
Cable & Wireless plc	00238525
Easynet Limited	02954343
Entanet International Ltd	03274237
Gamma Telecom Ltd	04340834
GEO Networks Limited	04614924
Global Crossing (UK) Telecommunications Ltd	02495998
Lumison	SC236128
NEOS Networks Ltd	03477297
Ntl Business Ltd	3076222
Opal Telecom Limited	3849133
Orange Ltd	03110666
Pipex Broadband Ltd Pipex Communications Services Ltd	03137499 03059016
Smallworld Media Communications Ltd	05679836
SSE Telecommunications Limited	SC213457
Telefónica O2 UK Limited	01743099
The JNT Association	02881024
Tiscali UK Ltd	03408171
Thus plc	SC192666
Verizon UK Limited	02776038
Virgin Media Group	02591237
Vtesse Networks Limited	03900836

".

5.—(1) At the end of column 1 in the Schedule (designated assessors for the valuation of utilities) add "Assessor for the Renfrewshire Valuation Joint Board".

(2) At the end of column 2 in the Schedule add "The lands and heritages specified in article 7A (Fixed Line Telecommunications).".

JOHN SWINNEY
A member of the Scottish Executive

St Andrew's House,
Edinburgh
9th February 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes an earlier order, which is not yet in force, amending the Non-Domestic Rating (Valuation of Utilities) (Scotland) Order 2005. This Order incorporates those amending provisions in the earlier order, with the addition of three new fixed line operators to the table forming part of article 7A(2) to be inserted into the 2005 Order.

Article 2 of this Order revokes the Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2009 and comes into force on 31st March 2010.

The amending provisions in articles 3, 4 and 5 come into force on 1st April 2010.

Article 4 of this Order specifies the lands and heritages to be valued within the fixed line telecommunications industry, where these are occupied by a specified fixed line telecommunication operator. Where these lands and heritages would otherwise be treated as justifying separate entries in two or more valuation rolls, they are to be treated as justifying one entry in the valuation roll for Renfrewshire in respect of each operator.

The effect is that one assessor is designated to value all lands and heritages covered by the Order. That assessor has the powers of the assessors for the local valuation areas. Any appeals would be heard by the Renfrewshire joint board's valuation appeal committee.

© Crown Copyright 2010

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland.

£4.00

30. 02/10. 19593.