



# Pow of Inchaffray Drainage Commission (Scotland) Act 2019

2019 asp 2

## PART 2

### ANNUAL ASSESSMENTS ETC.

#### 10 Annual budget and assessments

- (1) Schedule 4 has effect in regard to—
  - (a) the preparation and confirmation of the budget for each assessment year, and
  - (b) heritors' rights to make representations on, and to require an independent review of, the draft budget.
- (2) As soon as practicable after there is a confirmed budget for an assessment year, the Commission must give an assessment notice to each heritor specifying the amount payable by the heritor for the assessment year.
- (3) The amount payable by a heritor is the rate poundage for the assessment year multiplied by the chargeable value of the heritor's land.
- (4) The rate poundage for an assessment year is the budget for the assessment year divided by the sum of the chargeable values of each heritor's land.
- (5) The chargeable value of a heritor's land is calculated in accordance with schedule 5.
- (6) An assessment notice must include—
  - (a) a copy of the confirmed budget,
  - (b) the rate poundage and how it is calculated, and
  - (c) an explanation of how the amount payable by the heritor is calculated.
- (7) The heritor must pay the assessment to the Commission by the later of—
  - (a) the end of the period of 28 days beginning with receipt of the assessment notice, and
  - (b) the first day of the assessment year to which it applies.

- (8) No later than two months after the date on which this section comes into force, the Commission must give each heritor a valuation notice specifying the chargeable value of the heritor's land and how it has been calculated.

## **11 Revaluation of assumed values and base value**

- (1) The assumed values, and the base value, per acre used in schedule 5 to calculate the chargeable value of a heritor's land are to be revalued with effect from each tenth anniversary of the commencement of the first assessment year.
- (2) The Commission is to appoint a surveyor to carry out the revaluation on the basis of the valuation assumptions specified in schedule 5.
- (3) The surveyor must give notice to each heritor specifying the surveyor's revaluation proposals ("a revaluation proposal").
- (4) A heritor may make representations in writing to the surveyor on the revaluation proposal within the period of 28 days beginning on the day the revaluation proposal is notified to the heritor.
- (5) The surveyor must have regard to heritors' representations under subsection (4) when carrying out the revaluation.
- (6) Following expiry of the 28-day period, the surveyor is to notify the Commission of the revaluation of the assumed values, and the base value, per acre.
- (7) Revaluations are to take effect from the commencement of the first assessment year following the carrying out of the revaluations.

## **12 Amendments to land categories to meet changed circumstances**

- (1) The Commission may appoint a surveyor at any time to—
- (a) amend a land category used in schedule 5 to meet changed circumstances,
  - (b) where appropriate, make consequential amendments to the assumed value per acre for that land category.
- (2) Before making an amendment, the surveyor must give notice to each heritor specifying the proposed amendment ("an amendment proposal").
- (3) A heritor may make representations in writing to the surveyor on the amendment proposal within the period of 28 days beginning on the day the amendment proposal is notified to the heritor.
- (4) The surveyor must have regard to heritors' representations under subsection (3) when making the amendment.
- (5) Following expiry of the 28-day period, the surveyor is to notify the Commission of the amendments to the land category and any amendment to the assumed values per acre.
- (6) Amendments are to take effect from the commencement of the first assessment year following the making of the amendments.

### **13 Surveyor’s professional requirements**

A surveyor appointed under section 11 or 12 must be a member of the Royal Institution of Chartered Surveyors in Scotland or any successor body.

### **14 Commission may act as surveyor’s agent**

The Commission may choose to act as the surveyor’s agent for the purposes of communications between the surveyor and heritors under section 11 and section 12.

### **15 Land plans**

- (1) The Commission must make the land plans available for inspection, free of charge, by any person—
  - (a) at the Clerk’s offices during ordinary office hours,
  - (b) by electronic means.
- (2) As soon as practicable after there is a change—
  - (a) relating to ditches in accordance with section 3(2) or section 3(3), or
  - (b) in the boundaries between sections of the benefited land in accordance with section 3(6),the Commission must amend the land plans to show the change.

### **16 Register of Heritors**

- (1) The Commission must maintain a Register of Heritors containing, insofar as can be established by reasonable enquiry—
  - (a) the names and addresses of the heritors, and
  - (b) plans of the areas within the benefited land owned by each heritor.
- (2) The following must be notified to the Commission as soon as practicable—
  - (a) a change in a heritor’s name or address,
  - (b) a person ceasing to be a heritor.
- (3) Until notice is given under subsection (2)(b), the person who ceased to be a heritor continues to be liable for the amount payable under an assessment notice relating to the benefited land formerly owned by the person.
- (4) The Commission must make the Register of Heritors available for inspection, free of charge, by any person—
  - (a) at the Clerk’s office during ordinary office hours,
  - (b) by electronic means.
- (5) Where this Act requires the Commission to give notice to a heritor, the requirement is met if the Commission gives notice to the person named as such in the Register of Heritors.