
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 86

RATING AND VALUATION

The Electricity Generators (Rateable Values) (Scotland) Order 2000

Made - - - - 20th March 2000

Coming into force - - 1st April 2000

The Scottish Ministers, in exercise of the powers conferred upon them by sections 6, 35 and 37(1) of the Local Government (Scotland) Act 1975(1) and of all other powers enabling them in that behalf, and after consultation with such associations of local authorities, and of persons carrying on undertakings, as appeared to them to be concerned, and with such local authorities, persons, or associations of persons with whom consultation appeared to them to be desirable, all in accordance with section 6(4) of the said Act, hereby make the following Order, a draft of which has been laid before and has been approved by resolution of the Scottish Parliament:

Citation and commencement

1. This Order may be cited as the Electricity Generators (Rateable Values) (Scotland) Order 2000 and shall come into force on 1st April 2000.

Interpretation

2.—(1) In this Order—

“the 1975 Act” means the Local Government (Scotland) Act 1975;

“a Company” means any person carrying on an undertaking and includes a Scottish electricity company;

“declared net capacity”, in relation to generating plant, means the highest generation of electricity at the generator terminals, which can be maintained indefinitely without causing damage to the plant, less so much of that generation as is consumed by the plant, expressed

(1) 1975 c. 30; section 6(1) to (7) was substituted by the Local Government (Scotland) Act 1978 (c. 4), section 1, and section 6(1) was subsequently substituted by the Local Government Finance Act 1988 (c. 41), Schedule 12, paragraph 11 and amended by the Local Government Finance Act 1992 (c. 14), Schedule 13, paragraph 42; section 6(1A) was repealed by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 14; section 6(5A) and (8) was inserted by the Local Government etc. (Scotland) Act 1994, sections 160 and 157; section 37(1) contains a definition of “prescribed” which is relevant to the exercise of the powers under which this Order is made and which was amended by the Local Government Finance Act 1992, Schedule 13, paragraph 43(c). 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).

in megawatts to the nearest one hundredth part of a megawatt and calculated on the relevant assumption;

“financial year” means the period of twelve months beginning with 1st April;

“generating plant”, in relation to any lands or heritages, means plant in or on the lands and heritages which is used or available for use for the purposes of generating electricity;

“prescribed class of lands and heritages” means the class of lands and heritages prescribed for the purposes of section 6(1) of the 1975 Act in article 3 of this Order;

“relevant assumption”–

- (a) in relation to generating plant the sole or primary source of energy for which is the burning of oil or coal, is that–
 - (i) the temperature of the water entering the cooling system is–
 - (aa) 19 degrees Celsius, where the water is circulated on the lands and heritages for re-use in the cooling system; or
 - (bb) 10 degrees Celsius in any other case; and
 - (ii) insofar as they affect the generating plant–
 - (aa) the air temperature is 10 degrees Celsius; and
 - (bb) the air pressure is 1013 millibars;
- (b) in relation to generating plant the sole or primary source of energy for which is wind power, is that the wind speed is sufficient to power the generating plant at its highest generation of electricity;
- (c) in relation to generating plant the sole or primary source of energy for which is water power, is that the water flow is sufficient to power the generating plant at its highest generation of electricity; and
- (d) in any other case, is the assumption specified in paragraph (a)(ii) above;

“Scottish electricity company” means–

- (a) Scottish Power UK plc; or
- (b) Scottish and Southern Energy plc; or
- (c) British Energy Generation (UK) Limited; and

“undertaking” means an undertaking for the generation of electricity.

(2) Any reference in this Order to–

- (a) lands and heritages occupied by a Company includes a reference to lands and heritages which, if unoccupied, are owned by that Company; and
- (b) lands and heritages used for any purpose includes a reference to lands and heritages which are unused but in relation to which it appears that, when next in use, they will be used for such a purpose.

Prescribed class of lands and heritages

3.—(1) The following class of lands and heritages is hereby prescribed for the purposes of section 6(1) of the 1975 Act, namely any lands and heritages in Scotland (other than lands and heritages referred to in paragraph (2) below)–

- (a) occupied by a Company;
- (b) used or available for use for the purposes of generating electricity, where–
 - (i) such use is the sole or primary use;

- (ii) they are primarily so used or available for use in connection with a scheme for the production for sale of both electrical power and heat; or
- (iii) the primary source of energy in such generation is the burning of refuse; and
- (c) where the generating plant—
 - (i) uses wind, wave or tidal power as its primary source of energy;
 - (ii) uses water power as its primary source of energy;
 - (iii) if its primary source of energy is the burning of refuse and neither sub paragraph (b)(i) nor sub paragraph (b)(ii) above applies, has a declared net capacity of 25 megawatts or more; or
 - (iv) has a declared net capacity of 500 kilowatts or more,

provided that, in relation to any lands and heritages in Scotland occupied by a Scottish electricity company, sub paragraphs (b)(ii) and (iii) and (c)(ii), (iii) and (iv) above shall not apply.

(2) The lands and heritages referred to in this paragraph are lands and heritages falling within the class prescribed by article 3 of the Electricity Generators (Aluminium) (Rateable Values) (Scotland) Order 2000(2).

(3) For the purpose of determining whether the primary function of the lands and heritages is for the purpose of generating electricity, no account shall be taken of so much of any heat produced in or on the lands and heritages as is produced, other than for the purpose of the generation of electricity.

(4) In this article, references to the primary source of energy in relation to generating plant are to the source of energy used to initiate the generation process on that plant.

Rateable values for financial years 2000 01 to 2004 05

4.—(1) For the purposes of section 6(1) of the 1975 Act, the rateable value of any prescribed class of lands and heritages occupied by a Company for each of the financial year 2000 01 and the four following financial years shall be an amount per megawatt of declared net capacity of the generating plant in or on the lands and heritages set out in column (2) of the following Table in relation to the sole or primary source of energy used by that generating plant, set out in the corresponding entry in column (1):—

TABLE

<i>Column (1)</i> <i>Sole or primary source of energy</i>	<i>Column (2)</i> <i>£ per megawatt</i>
The burning of coal	9,500
The burning of oil	5,000
The burning of natural gas where steam is used as part of the generating process	9,500
The burning of natural gas where steam is not used as part of the generating process	5,000
Nuclear fission produced by a Magnox reactor	6,000
Nuclear fission not produced by a Magnox reactor	14,000

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<i>Column (1)</i>	<i>Column (2)</i>
<i>Sole or primary source of energy</i>	<i>£ per megawatt</i>
Wind power	5,000
Water power	10,000
Tidal power	5,000
The burning of energy crops or animal litter	8,900
The burning of gas from a landfill site	5,000
The burning of refuse	8,900
Any source of energy not listed above	10,000

(2) Where (apart from this paragraph) any rateable value determined under paragraph (1) above would include a fraction of a pound—

- (a) the fraction shall be made up to one pound if it would exceed 50 pence; and
- (b) the fraction shall be ignored if it would be 50 pence or less.

Apportionment of rateable values

5. Where an undertaking carried on by a Company in the financial year 2000 01 or any of the four following financial years consists of or comprises lands and heritages in two or more local authority areas which fall within the prescribed class of lands and heritages, the rateable value determined in accordance with article 4 shall be apportioned among the local authorities concerned in the proportion which the area of the prescribed lands and heritages in each local authority area in that financial year bears to the total area of the lands and heritages concerned in that financial year.

Amendment of enactments

6. The following amendments shall be made to the enactments specified in articles 7 and 8 below in their relation to the valuation of the prescribed class of lands and heritages for the financial year 2000 01 and the four following financial years.

7. In section 6(1) of the Valuation and Rating (Scotland) Act 1956(3), after the words “this Act”, there shall be inserted the words “and to any Order made by the Scottish Ministers under section 6 of the Local Government (Scotland) Act 1975”.

8.—(1) Section 2(1)(c) of the 1975 Act(4) shall be amended by inserting at the end the following:—

“(iii) upon their ceasing to be lands and heritages within the class of lands and heritages prescribed in the Electricity Generators (Rateable Values) (Scotland) Order 2000 (hereinafter in this Act referred to as “the 2000 Order”);”.

(2) After paragraph (f) of section 2(1) of that Act there shall be inserted the following paragraph:—

“(ff) by entering therein, in relation to each Company as defined in the 2000 Order, any lands and heritages within the class of lands and heritages prescribed in that Order together with the rateable values determined and, where appropriate, apportioned in accordance with article 5 of that Order;”.

(3) 1956 c. 60; section 6(1) was amended by the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47), Schedule 6 and the Local Government and Housing Act 1989 (c. 42), Schedule 6, paragraph 3.

(4) Section 2(1)(c)(i) was repealed by the Local Government and Rating Act 1997 (c. 29), Schedule 4.

(3) In paragraph (a) of section 2(2) of that Act, after the words “subsection (1)(a)” there shall be inserted the words “or (ff)”.

(4) In section 37(1) of that Act, at the end of the definition of “material change of circumstances”⁽⁵⁾, there shall be inserted the following:–

“and, in the case of lands and heritages within the class of lands and heritages prescribed in the 2000 Order, any change in the declared net capacity of the generating plant in or on those lands and heritages within the meaning of that Order;”.

Revocation

9. The Electricity Generators (Rateable Values) (Scotland) Order 1995⁽⁶⁾ is hereby revoked.

St Andrew’s House,
Edinburgh
20th March 2000

JACK McCONNELL
A member of the Scottish Executive

(5) The definition of “material change of circumstances” was amended by the Rating and Valuation (Amendment) (Scotland) Act 1984 (c. 31), section 20 and Schedule 2, paragraph 17, by the Abolition of Domestic Rates Etc. (Scotland) Act 1987, Schedule 6, and by the Local Government etc. (Scotland) Act 1994, Schedule 13, paragraph 100(8).

(6) S.I.1995/371.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the valuation for each of the financial years 2000 01 to 2004 05 of certain lands and heritages (article 3) occupied by a person for the purposes of generating electricity where—

- (a) generation is the sole or principal purpose of the use of the prescribed lands and heritages, or they are principally used in connection with the sale of both electrical power and heat, or the primary source of energy is the burning of refuse; and
- (b) the generating plant uses wind, wave, tidal or water power as its primary source of energy, where the declared net capacity is 500 kilowatts or more or, where refuse is burned and the use for generating electricity is not as described in (a) above, 25 megawatts or more.

The Order applies to generating premises of the Scottish electricity companies where generation is the sole or primary use and wind, wave or tidal power is used as the primary source of energy.

The Order provides for the rateable value of the prescribed class of lands and heritages of each undertaking to be calculated on the basis of an amount per megawatt of declared net capacity of the generating plant in or on the lands and heritages set out in the Table in article 4 depending on the particular main source of energy used by that generating plant.

The Order provides for the apportionment, in appropriate cases, of the rateable value of the prescribed lands and heritages of each undertaking among different local authorities (article 5).

The Order also amends certain enactments relating to the valuation of the prescribed lands and heritages and revokes a previous Order, now spent (articles 6 to 9).