

*Changes to legislation: There are currently no known outstanding effects for the Local Government (Scotland) Act 1966, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### VALUATION OF WATER UNDERTAKINGS

##### Modifications etc. (not altering text)

**C1** Sch. 2 amended by [Water \(Scotland\) Act 1967 \(c. 78\)](#), s. 2(2), Sch. 2 paras. 17, 18

### PART I

#### DETERMINATION OF CUMULO RATEABLE VALUE

- 1 The Assessor of Public Undertakings (Scotland) (hereinafter referred to as “the Assessor”) shall for the year 1967-68 and each subsequent year determine in accordance with the following provisions of this and the next succeeding Part of this Schedule the cumulo rateable value of lands and heritages occupied for the purposes of a water undertaking, other than excepted premises, <sup>[F1]</sup>and shall enter such value in the valuation roll.]

In this paragraph “excepted premises” means dwelling-houses, or lands and heritages held by a local water authority under a lease for a period not exceeding twenty-one years.

##### Textual Amendments

**F1** Words repealed (1.4.1976) by [Local Government \(Scotland\) Act 1975 \(c. 30\)](#), s. 39(2), Sch. 6 Pt. II para. 37(a), [Sch. 7](#)

##### Modifications etc. (not altering text)

**C2** Para. 1 excluded by [Local Government \(Scotland\) Act 1975 \(c. 30\)](#), s. 6(1), [Sch. 1 para. 1](#)

- 2 The Secretary of State may by order make provision for determining the national average rateable value per unit per day calculated on the basis of the aggregate potential output of water, for a year specified in the order, of all the water undertakings whose values are for the year 1967-68 to be <sup>[F2]</sup>entered in the valuation roll referred to in <sup>[F2]</sup>determined by the Assessor in accordance with] paragraph 1 above, and such value so determined, or as modified under paragraph 3 below, is in this Schedule known as “the norm”.

##### Textual Amendments

**F2** Words “determined” to “with” substituted for words “entered” to “in” (1.4.1976) by [Local Government \(Scotland\) Act 1975 \(c. 30\)](#), s. 39(2), [Sch. 6 Pt. II para. 37\(b\)](#)

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3 Having regard to the changes in the rateable values of other lands and heritages, the Secretary of State shall keep the norm under review and may, in the year 1971-72 and each year of revaluation thereafter, by order make such adjustments in the provisions for determining the norm as appear to him to be appropriate.

Any such order shall commence to have effect in the year in which it is made.

4 Not later than [<sup>F3</sup>31st December][<sup>F3</sup>such date as may be prescribed] in any calendar year, commencing with the year 1966, each local water authority shall as respects the previous year ascertain and certify to the Assessor, to the nearest ten units, the average number of units per day of the various categories of water described in subparagraphs (a) to (f) of paragraph 5 below.

**Textual Amendments**

**F3** Words “such” to “prescribed” substituted for words “31st December” (1.4.1976) by [Local Government \(Scotland\) Act 1975 \(c. 30\), s. 39\(2\), Sch. 6 Pt. II para. 37\(c\)](#)

5 For the year 1967-68 the cumulo rateable value of the lands and heritages occupied for the purposes of a water undertaking shall be the aggregate of the following—

- (a) the average number of units per day of potable water produced by the undertaking and supplied for use within the limits of supply of the local water authority carrying on the undertaking in the year 1965-66, multiplied by the norm;
- (b) one half of the average number of units per day of potable water supplied by them in bulk for distribution or use outwith the limits of supply of the local water authority carrying on the undertaking in the year 1965-66, multiplied by the norm;
- (c) one half of the average number of units per day of potable water supplied to them in bulk in the year 1965-66, multiplied by the norm;
- (d) the average number of units per day of non-potable water supplied by them in bulk for distribution or use outwith the limits of supply of the local water authority carrying on the undertaking in the year 1965-66, multiplied by such fraction of the norm as may be prescribed by order made by the Secretary of State;
- (e) the average number of units per day of non-potable water produced by them and supplied for use within the limits of supply of the local water authority carrying on the undertaking in the year 1965-66, multiplied (subject to paragraph 6 below) by such fraction of the norm as may be prescribed by order made by the Secretary of State; and
- (f) the average number of units per day of non-potable water supplied to them in bulk in the year 1965-66 multiplied by such fraction of the norm as may be prescribed by order made by the Secretary of State.

6 The fraction prescribed by order made under paragraph 5(e) above may, for the purpose of the application of that sub-paragraph to a particular water undertaking, be varied by the Assessor within such limits as may be specified in the order, if in the opinion of the Assessor exceptional circumstances exist in relation to that undertaking.

7 (1) The Assessor shall, in respect of each year of revaluation, determine anew the cumulo rateable value pertaining to each water undertaking and for that purpose shall apply the provisions of paragraph 5 above, so however that for the reference in that

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paragraph to the year 1967-68 there shall be substituted a reference to the year of revaluation, and for any reference in that paragraph to the year 1965-66 there shall be substituted a reference to the year last but one before the year of revaluation.

- (2) Where as respects any year (in this paragraph referred to as “the relevant year”) the average number of units per day supplied by a water undertaking, as certified under paragraph 4 above, exceeds or falls short of the average number of units so supplied and certified for the purposes of valuation for the base year by more than such percentage as may be prescribed by order made by the Secretary of State, the Assessor shall determine anew the cumulo rateable value pertaining to that undertaking and for that purpose shall apply the provisions of paragraph 5 above, so however that for the reference in that paragraph to the year 1967-68 there shall be substituted a reference to the year second succeeding the relevant year, and for any reference in that paragraph to the year 1965-66 there shall be substituted a reference to the relevant year.
- (3) In this paragraph “base year” means the year for which the valuation pertaining to a water undertaking was last determined by the Assessor.

## PART II

### DETERMINATION OF CUMULO RATEABLE VALUE IN RESPECT OF AMALGAMATED UNDERTAKINGS AND OF NEW UNDERTAKINGS

#### Modifications etc. (not altering text)

C3 Pt. II amended by [Water \(Scotland\) Act 1967 \(c. 78\)](#), [Sch. 2 para. 18](#)

- 8 Where an amalgamation of water undertakings takes place, the provisions of paragraphs 9 to 14 below shall apply for the purposes of determining the cumulo rateable value pertaining to the amalgamated undertaking.
- 9 For the year in which the amalgamation takes place the amalgamated water undertaking shall be treated as consisting of the separate water undertakings which comprise it, and accordingly the cumulo rateable values relating to the separate undertakings shall continue to apply.
- 10 For the first year succeeding that in which the amalgamation took place (in paragraph 14 below referred to for the purposes of this paragraph as “the valuation year”) the cumulo rateable value pertaining to the amalgamated water undertaking shall be determined under paragraph 5 above on the basis of an aggregation of the various figures for the separate undertakings comprising the amalgamated undertaking certified to the Assessor under paragraph 4 above in respect of the year prior to that in which the amalgamation took place (in paragraph 14 below referred to for the purposes of this paragraph as “the base year”).
- 11 Where the amalgamated water undertaking has been in existence for less than two complete years then for the second year succeeding that in which the amalgamation took place (in paragraph 14 below referred to for the purposes of this paragraph as “the valuation year”) the cumulo rateable value pertaining to the water undertaking shall be determined under paragraph 5 above on the basis of an aggregation of the various figures for the separate undertakings comprising the amalgamated undertaking and the various figures for the amalgamated undertaking certified to the Assessor under paragraph 4 above in respect of the year in which the amalgamation

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- took place (in paragraph 14 below referred to for the purposes of this paragraph as “the base year”).
- 12 Where an amalgamation takes place which involves the division of an existing water undertaking into separate parts the cumulo rateable value pertaining to each part shall, for the years referred to in paragraphs 9 to 11 above, be determined in such manner as may be directed by the Secretary of State, and in those paragraphs any reference to a separate undertaking shall be construed as including a reference to the part comprised in the amalgamated undertaking.
- 13 Where the amalgamated water undertaking has been in existence for two complete years then for the second year succeeding that in which the amalgamation took place (in paragraph 14 below referred to for the purposes of this paragraph as “the valuation year”) the cumulo rateable value pertaining to the water undertaking shall be determined under paragraph 5 above on the basis of the figures for that undertaking certified to the Assessor under paragraph 4 above in respect of the year in which the amalgamation took place (in paragraph 14 below referred to for the purposes of this paragraph as “the base year”).
- 14 For the purposes of paragraphs 10, 11 and 13 above paragraph 5 above shall apply as if for the reference to the year 1967-68 there were substituted a reference to the valuation year and for the references to the year 1965-66 there were substituted references to the base year.
- 15 (1) No rateable value shall be attributable to any new water undertaking until the year (in this paragraph referred to as “the valuation year”) second succeeding that in which it commences to supply water to consumers, and accordingly for the purposes of this paragraph paragraph 5 above shall apply as if for the reference to the year 1967-68 there were substituted a reference to the valuation year and for the references to the year 1965-66 there were substituted references to the year in which the undertaking so commences to supply water.
- (2) This paragraph applies only to new water undertakings and accordingly does not apply to a part of an undertaking which consists in an addition to an existing water undertaking.

### PART III

#### DETERMINATION OF RATEABLE VALUE

- 16 In the case of a water undertaking wholly situated within a rating area the cumulo rateable value for the year 1967-68 or any subsequent year, as ascertained under the foregoing provisions of this Schedule, shall be taken to be the rateable value of that undertaking for that year and the Assessor shall [<sup>F4</sup>give a direction under section 5 of the <sup>M1</sup>Local Government (Scotland) Act 1975 to the local assessor to] enter that value in the valuation roll.

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#### **Textual Amendments**

- F4** Words inserted (1.4.1976) by [Local Government \(Scotland\) Act 1975 \(c. 30\), s. 39\(2\), Sch. 6 Pt. II para. 37\(d\)](#)
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#### **Modifications etc. (not altering text)**

- C4** S. 16, Sch. 2 repealed in respect of any year subsequent to 1984-85 by [S.I. 1985/197, art. 8](#)

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### Marginal Citations

**M1** 1975 c. 30.

- 17 In the case of a water undertaking situated within more than one rating area the Assessor shall for the year 1967-68 and each subsequent year determine in accordance with the following provisions of this Part of this Schedule the rateable value attributable to a water undertaking in respect of such parts of the undertaking as are situated within such an area, and shall [<sup>F5</sup>give a direction under section 5 of the <sup>M2</sup>Local Government (Scotland) Act 1975 to the local assessor to] enter that value in the valuation roll.

### Textual Amendments

**F5** Words inserted (1.4.1976) by [Local Government \(Scotland\) Act 1975 \(c. 30\), s. 39\(2\), Sch. 6 Pt. II para. 37\(e\)](#)

### Marginal Citations

**M2** 1975 c. 30.

- 18 For the purposes of this Part of this Schedule the capital works of each water undertaking shall be divided into productive and distributive parts in such manner as may be prescribed by order made by the Secretary of State.
- 19 Not later than [<sup>F6</sup>31st December][<sup>F6</sup>such date as may be prescribed] in any calendar year, commencing with the year 1966, each water authority shall ascertain and certify to the Assessor—
- (a) the capital expenditure in respect of the productive part of the undertaking in each of the rating areas . . . <sup>F7</sup> in which the undertaking is situated; and
  - (b) the income for the previous year from public water rate, domestic water rate and water charges derived from each rating area in which any portion of the distributive part of the undertaking is situated.

### Textual Amendments

**F6** Words “such” to “prescribed” substituted for words “31st December” (1.4.1976) by [Local Government \(Scotland\) Act 1975 \(c. 30\), s. 39\(2\), Sch. 6 Pt. II para. 37\(f\)](#)

**F7** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 9 para. 72\(c\), Sch. 29](#)

- 20 The cumulo rateable value of each water undertaking, as ascertained under the foregoing provisions of this Schedule, shall then be apportioned between the productive and distributive parts of the undertaking in such proportion as the Secretary of State may, in such manner as he thinks fit, by order determine.
- 21 (1) The amount of the cumulo rateable value apportioned to the productive part of the undertaking shall be apportioned among the rating areas in which any portion of that part is situated in such proportion as the capital cost of that portion bears to the capital cost of that part.
- (2) The amount of the cumulo rateable value apportioned to the distributive part of the undertaking shall be apportioned among the rating areas in which any portion of that part is situated in such proportion as the aggregate income from the public water rate, domestic water rate and water charges derived from a rating area bears to such income

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derived from the whole of the area in which the distributive part of the undertaking is situated.

- (3) The aggregate of the amounts duly apportioned as aforesaid in respect of each water undertaking shall then be taken to be the rateable value attributable to that undertaking in the rating area concerned.

22 ..... F8

**Textual Amendments**

**F8** Sch. 2 para. 22 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 9 para. 72\(b\)](#), Sch. 29

- [<sup>F9</sup>23 The Assessor shall no longer be required under section 23 of the <sup>M3</sup>Lands Valuation (Scotland) Act 1854 to apportion the cumulo rateable value of a water undertaking as between the various parishes in which the undertaking is situated or to enter such apportioned value in the valuation roll.]

**Textual Amendments**

**F9** Para. 23 repealed (1.4.1976) by [Local Government \(Scotland\) Act 1975 \(c. 30\)](#), s. 39(2), Sch. 6 Pt. II para. 37(g), [Sch. 7](#)

**Marginal Citations**

**M3** 1854 c. 91.

**PART IV**

MISCELLANEOUS

*Transitional Provisions*

- 24 The Secretary of State may, as respects any year from 1967-68 to 1971-72, by order provide for the modification of the cumulo rateable values pertaining to all or any water undertakings.

*Orders*

- 25 Before making an order under this Schedule the Secretary of State shall consult with such associations of local authorities or other bodies or associations as appear to him to be concerned.
- 26 Any statutory instrument containing an order made under paragraph 2 or 3 of this Schedule shall not have effect unless approved by a resolution of the Commons House of Parliament, and any statutory instrument containing an order made under any other provision of this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Interpretation*

- 27 For the purposes of this Schedule—

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F10

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“limits of supply” has the meaning assigned to it by section 5(3) of the <sup>M4</sup>Water (Scotland) Act 1946;

“public water rate” and “domestic water rate” have the meanings assigned to them by section 1 of the <sup>M5</sup>Water (Scotland) Act 1949;

“rating area” means the area [<sup>F11</sup>of an islands council or of a district council];

F12

.....  
“unit” means a thousand gallons of water;

[<sup>F13</sup> “ valuation roll ” means the roll made up by the Assessor under the Valuation Acts; ]

references to the supply of water in bulk are references to a supply taken by a local water authority for augmenting or constituting the supply to be given by them.

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**Textual Amendments**

**F10** Definition of “burgh” repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 9 para. 72\(c\), Sch. 29](#)

**F11** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 9 para. 72\(c\)](#)

**F12** Definition of “separately rated area” repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 9 para. 72\(c\), Sch. 29](#)

**F13** Definition of “valuation roll” repealed (1.4.1976) by [Local Government \(Scotland\) Act 1975 \(c. 30\), Sch. 6 Pt. II para. 37\(g\), Sch. 7](#)

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**Marginal Citations**

**M4** 1946 c. 42.

**M5** 1949 c. 31.

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