
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 91

RATING AND VALUATION

The Railtrack plc (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 Railtrack plc (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;

“clerical work” includes writing, book-keeping, typing, filing, duplication, sorting papers or information, calculating (whether by manual, mechanical or electronic means), drawing, and the editorial preparation of matter for publication;

“the Company” means Railtrack plc;

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

“office premises” means any lands and heritages constructed or adapted as offices or for office purposes, or used wholly or mainly for such purposes;

(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paragraph 11 and amended by the Local Government Finance Act 1992 (c. 14), Schedule 13, paragraph 42; section 6(1A) was repealed by the Local Government etc.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).

“office purposes” includes the purposes of administration and clerical work and handling money;

“operational land”, in relation to the Company, means land which is used for the purposes of carrying on the undertaking of the Company, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used for the purposes of

carrying on of statutory undertakings (within the meaning of section 214 of the Town and Country Planning (Scotland) Act 1997(2)); and

“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.

(2) Any reference in this Order to—

- (a) lands and heritages occupied by the Company includes a reference to lands and heritages which, if unoccupied, are owned by the 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 the lands and heritages mentioned in paragraph (2) below) occupied by the Company and used wholly or mainly for the purposes of the parts of the undertaking of the Company which are concerned with the carriage of goods and passengers by rail, or for purposes ancillary to those purposes (including the purpose of exhibiting advertisements).

(2) The lands and heritages mentioned in this paragraph are lands and heritages consisting of or comprising—

- (a) premises used as a shop, hotel, museum or place of public refreshment;
- (b) premises used wholly or mainly as office premises occupied by the Company which are not situated on operational land of the Company;
- (c) premises (other than premises used in connection with the collection and delivery of parcels, goods or merchandise conveyed or to be conveyed by rail) used wholly or in part for purposes concerned with the carriage of goods or passengers by road transport or sea transport or with harbours, or for purposes incidental to such purposes;
- (d) premises used for more than one of the foregoing purposes; or
- (e) premises or rights so let out as to be capable of separate assessment.

Aggregate amount of rateable values for financial year 2000-01 and subsequent financial years

4. For the purposes of section 6(1) of the 1975 Act, the aggregate amount of the rateable values of the prescribed class of lands and heritages for the financial year 2000-01 and for any subsequent financial year, is hereby prescribed as £18,417,000.

Apportionment of aggregate amount of rateable values

5. For the purposes of section 6(2) of the 1975 Act, the aggregate amount of the rateable values of the prescribed class of lands and heritages which is prescribed by article 4 above shall be apportioned among the local authorities specified in column 1 of the Schedule to this Order in the amount shown opposite the name of each such local authority in column 2 of that Schedule.

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 for each subsequent financial year.

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(4) Act 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 Railtrack plc (Rateable Values) (Scotland) Order 2000 (hereinafter in this Act referred to as “the 2000 Order”);”.

(2) Section 2(1)(d) of that Act shall be amended by inserting after the words “lands and heritages” the following words:—

“(other than lands and heritages within the class of lands and heritages prescribed in the 2000 Order)”.

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

“(ff) by entering therein any lands and heritages within the class of lands and heritages prescribed in the 2000 Order together with the rateable values apportioned by that Order to the local authorities whose areas comprise or form part of the valuation area;”.

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

(5) In section 3(4) of that Act(5), after the words “lands and heritages” where they appear for the first time, there shall be inserted the following:—

“(other than lands and heritages within the class of lands and heritages prescribed in the 2000 Order)”.

Revocation

9. The Railtrack PLC (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

(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.

(5) Section 3(4) was amended by the Local Government and Rating Act 1997, Schedule 3, paragraph 13(b).

(6) S.I.1995/929.

SCHEDULE

Article 5

FIGURES FOR PURPOSES OF THE APPORTIONMENT OF AGGREGATE AMOUNT
OF RATEABLE VALUES OF PRESCRIBED CLASS OF LANDS AND HERITAGES

<i>(1)</i> <i>Local authority</i>	<i>(2)</i> <i>Apportioned amount</i> <i>£</i>
Aberdeen City Council	395,715
Aberdeenshire Council	244,381
Angus Council	173,175
Argyll and Bute Council	195,281
East Ayrshire Council	287,720
North Ayrshire Council	659,802
South Ayrshire Council	941,581
Clackmannanshire Council	16,974
Dumfries & Galloway Council	282,045
East Dunbartonshire Council	124,612
West Dunbartonshire Council	397,657
Dundee City Council	183,791
City of Edinburgh Council	2,360,085
Falkirk Council	400,528
Fife Council	990,765
City of Glasgow Council	4,824,365
Highland Council	570,121
Inverclyde Council	218,776
North Lanarkshire Council	754,822
South Lanarkshire Council	611,161
East Lothian Council	442,692
Midlothian Council	202,308
West Lothian Council	515,545
Moray Council Council	140,603
Perth and Kinross Council	1,341,488
East Renfrewshire Council	112,699
Renfrewshire Council	549,914
The Scottish Borders Council	24,828
Stirling Council	453,566

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the valuation for financial year 2000-01 and for any subsequent financial year of certain lands and heritages occupied by Railtrack plc (“the prescribed class of lands and heritages”) (article 3).

The Order prescribes the aggregate amount of the rateable values of the prescribed class of lands and heritages for financial year 2000-01 and for any subsequent financial year at £18,417,000 (article 4) and apportions that aggregate amount among local authorities (article 5 and Schedule).

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