
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 69

**The Non-Domestic Rating (Petrol Filling Stations,
Public Houses and Hotels) (Scotland) Order 2009**

Citation and commencement

1. This Order may be cited as the Non Domestic Rating (Petrol Filling Stations, Public Houses and Hotels) (Scotland) Order 2009 and comes into force on 1st September 2009.

Interpretation

2. In this Order—

“the 2005 Act” means the Licensing (Scotland) Act 2005(1);

“petrol filling station” means lands and heritages which are premises where petrol or other automotive fuels are sold by retail to the general public for fuelling motor vehicles intended or adapted for use on roads;

“public house or hotel” means lands and heritages which are premises which satisfy the following conditions—

- (i) a premises licence authorising the sale of alcohol for consumption both on and off the premises, has been issued by a licensing board under section 26 of the 2005 Act;
- (ii) the premises are used for such sales to members of the public, principally for consumption on the premises, in accordance with the operating plan contained in the premises licence; and
- (iii) the operating plan contained in the premises licence does not include any provision that such sales are made subject to those members of the public residing at, or consuming food on, the premises; and

“the ratepayer” means the person occupying the lands and heritages.

Prescribed conditions

3. The conditions prescribed for the purposes of paragraph 3(2)(c)(ii) of Schedule 2 to the Local Government and Rating Act 1997 are that the whole or part of the premises in the settlement concerned is used as—

- (a) a petrol filling station, where the ratepayer in relation to that petrol filling station is not the ratepayer in relation to any other petrol filling station in Scotland; or
- (b) a public house or hotel, where—
 - (i) the ratepayer in relation to that public house or hotel is not the ratepayer in relation to any other public house or hotel in Scotland; and
 - (ii) there is no other public house or hotel in the settlement concerned.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Revocation

4. The Non-Domestic Rating (Petrol Filling Stations, Public Houses and Hotels) (Scotland) Order 2003(2) is revoked.

St Andrew's House, Edinburgh
24th February 2009

JOHN SWINNEY
A member of the Scottish Executive