

SCHEDULES

SCHEDULE 3

Section 33(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Valuation and Rating (Scotland) Act 1956 (c. 60)

- 1 After section 6A(1) of the Valuation and Rating (Scotland) Act 1956 (power of Secretary of State to combine and divide lands and heritages) there is inserted—
- “(1A) An order specifying lands and heritages for the purposes of paragraph (a) of subsection (1) above may also provide rules to determine who is to be treated as owner or occupier of any of the specified lands and heritages.”.

Local Government (Financial Provisions etc.) (Scotland) Act 1962 (c. 9)

- 2 In section 4 of the Local Government (Financial Provisions etc.) (Scotland) Act 1962 (reduction and remission of rates)—
- (a) in subsection (5) for “the following subsection” there is substituted “subsection (6) or, as the case may be, (6A) of this section”,
- (b) in subsection (6) for “the following subsection” there is substituted “subsection (7) of this section”, and
- (c) after subsection (6) there is inserted—
- “(6A) Without prejudice to subsection (6) of this section, where any reduction or remission of rates is determined under subsection (5) of this section in the first six months of a year, the reduction or remission may be granted—
- (a) for the preceding year;
- (b) for a specified term of years, not exceeding five, beginning not earlier than the preceding year nor more than twenty four months after the date of the determination;
- (c) for an indefinite period beginning not earlier than the preceding year, subject to the exercise by the rating authority of their powers under subsection (7) of this section.”.

Local Government (Financial Provisions) (Scotland) Act 1963 (c. 12)

- 3 In section 19 of the Local Government (Financial Provisions) (Scotland) Act 1963 (certain parks not to be entered in valuation roll), for subsection (1) there is substituted—
- “(1) Subject to subsections (1A) and (1B) below, lands and heritages which consist of a park vested in or under the control of—
- (a) a local authority; or

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(b) a Minister of the Crown or Government department or any other officer or body exercising functions on behalf of the Crown, and any building comprised in any such park which is used for purposes ancillary to those of the park, shall not be entered in the valuation roll.

(1A) Subsection (1)(a) above does not apply to a park from which the local authority derives a net profit.

(1B) Subsection (1)(b) above does not apply unless the park is available for free and unrestricted use by members of the public.

(1C) In construing subsection (1B) above any temporary closure (at night or otherwise) shall be ignored.”.

Local Government Act 1972 (c. 70)

4 The Local Government Act 1972 is amended as follows.

5 In section 6 (term of office and retirement of district and county councillors)—

(a) in subsection (2)(c), for the words from “by an order” to the end there is substituted “as mentioned in subsection (3) below”, and

(b) after subsection (2) there is added—

“(3) The number of councillors referred to in subsection (2)(c) above may be provided—

(a) by an order under paragraph 3 of Schedule 3 to this Act;

(b) under or by virtue of the provisions of section 7 below;

(c) by an order under Part II of the Local Government Act 1992; or

(d) by an order under section 14 of the Local Government and Rating Act 1997.”

6 (1) Section 9 (parish meetings and councils) is amended as follows.

(2) Subsections (2), (3) and (5) are omitted.

(3) In subsection (4), for “or Part II of the Local Government Act 1992” there is substituted “Part II of the Local Government Act 1992 or section 14 of the Local Government and Rating Act 1997,”.

(4) In subsection (6)—

(a) for “this section” (in the first place it appears) there is substituted “section 16 of the Local Government and Rating Act 1997”, and

(b) for “this section” (in the second place it appears) there is substituted “section 16 of the Act of 1997”.

7 In section 11 (orders for grouping parishes under common parish councils), in subsection (5)—

(a) “section 9 or” is omitted,

(b) after “1992” there is inserted “or section 16 of the Local Government and Rating Act 1997”, and

(c) for “that section or subsection” there is substituted “subsection (4) above or section 16 of the Local Government and Rating Act 1997”.

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- 8 In section 12 (provision supplementary to provisions about parish meetings and councils), in subsection (1), “9” is omitted.
- 9 In section 16(1) (number of parish councillors), for the words from “shall” to the end there is substituted “shall not be less than five.”.
- 10 In paragraph 10 of Schedule 3 (electoral arrangements for certain parish councils), for “or Part II of the Local Government Act 1992” in each place it appears there is substituted “of this Act, Part II of the Local Government Act 1992 or Part II of the Local Government and Rating Act 1997”.

Local Government (Scotland) Act 1975 (c. 30)

- 11 The Local Government (Scotland) Act 1975 is amended as follows.
- 12 In section 2 (alterations to the valuation roll)—
- (a) in subsection (1), paragraph (ee) is omitted,
 - (b) after subsection (1) there is inserted—
 - “(1A) Subject to subsection (2)(cc) below, the assessor for any valuation area shall, as respects that area, alter the roll to give effect to any decision following an appeal or complaint under the Valuation Acts to a court, tribunal or valuation appeal committee and such alteration shall have effect from such date as shall be determined by the court, tribunal or committee.”, and
 - (c) in subsection (2)—
 - (i) in paragraph (c) omit the words in the proviso from “or” (in the second place it appears) to “circumstances” (in the first place it appears) and from “or,” (in the fourth place it appears) to the end, and
 - (ii) in paragraph (cc) for “subsection (1)(ee)” there is substituted “subsection (1A)”.
- 13 In section 3 (supplementary valuation provisions)—
- (a) in subsection (1) after “2(1)” there is inserted “, (1A)”,
 - (b) in subsection (4) omit the words “at any time while the roll is in force”,
 - (c) after that subsection there is inserted—
 - “(4A) An appeal under subsection (4) above shall be made—
 - (a) on the ground that there has been a material change of circumstances since the entry was made, not more than six months after the roll ceases to be in force;
 - (b) on the ground that there has been such an error in the entry as is referred to in section 2(1)(f) of this Act, at any time while the roll is in force.”
- 14 After section 3 (supplementary valuation provisions) there is inserted —

“3A Assessor’s powers of entry for valuation purposes.

The assessor shall be entitled at any reasonable time of the day, on giving not less than twenty-four hours previous notice in writing to the occupier, to enter, survey and value for the purposes of the Valuation Acts any lands and heritages within the area for which he acts as assessor, and if any person

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refuses to admit the assessor to enter any lands and heritages or obstructs him in making his survey or valuation he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

Valuation and Rating (Exempted Classes) (Scotland) Act 1976 (c. 64)

- 15 In section 2(2) of the Valuation and Rating (Exempted Classes) (Scotland) Act 1976 (supplementary provisions) for “sections 1, 2 and 5(2)” there is substituted “sections 1 and 2”.

Water (Scotland) Act 1980 (c. 45)

- 16 In section 109(1) of the Water (Scotland) Act 1980, for the definition of “agricultural lands and heritages” there is substituted—

““agricultural lands and heritages” means any lands and heritages used for agricultural or pastoral purposes only or as woodlands, market gardens, orchards, allotments or allotment gardens and any lands exceeding 1011.75 square metres used for the purpose of poultry farming, but does not include any lands occupied together with a house as a park, garden or pleasure ground or any land kept or preserved mainly or exclusively for sporting purposes”.

Representation of the People Act 1983 (c. 2)

- 17 In section 36 of the Representation of the People Act 1983 (local elections in England and Wales), after subsection (3AB) there is inserted—

“(3AC) Where the polls at—

- (a) the ordinary election of councillors for any electoral division of a county in England in which there are no district councils or an election to fill a casual vacancy occurring in the office of such a councillor, and
- (b) the ordinary election of parish councillors for any parish or an election to fill a casual vacancy occurring in the office of such a councillor,

are to be taken on the same day and the elections are for related electoral areas, the polls at those elections shall be taken together.”

National Heritage Act 1983 (c. 47)

- 18 (1) Schedule 1 to the National Heritage Act 1983 is amended as follows.
- (2) In paragraph 2 (status of Board of Trustees of Victoria and Albert Museum)—
- (a) in sub-paragraph (4), for “sub-paragraph (5) and any other” there is substituted “the provisions of any”, and
 - (b) sub-paragraph (5) is omitted.
- (3) In paragraph 12 (status of Board of Trustees of Science Museum)—
- (a) in sub-paragraph (4), for “sub-paragraph (5) and any other” there is substituted “the provisions of any”, and
 - (b) sub-paragraph (5) is omitted.

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- (4) In paragraph 22 (status of Board of Trustees of Armouries)—
- (a) in sub-paragraph (2), for “sub-paragraph (3) and any other” there is substituted “the provisions of any”, and
 - (b) sub-paragraph (3) is omitted.
- (5) In paragraph 32 (status of Board of Trustees of Royal Botanic Gardens, Kew)—
- (a) in sub-paragraph (4), for “sub-paragraph (5) and any other” there is substituted “the provisions of any”, and
 - (b) sub-paragraph (5) is omitted.
- 19 In paragraph 2 of Schedule 3 to the National Heritage Act 1983 (status of the Historic Buildings and Monuments Commission for England)—
- (a) in sub-paragraph (4), for “sub-paragraph (5) and any other” there is substituted “the provisions of any”, and
 - (b) sub-paragraph (5) is omitted.

Dockyard Services Act 1986 (c. 52)

- 20 In section 3(1) of the Dockyard Services Act 1986 (treatment of land in designated dockyards)—
- (a) paragraph (c) and the word “and” preceding it, “or, in Scotland, land or heritages” and “or for public purposes” are omitted, and
 - (b) for “those enactments” there is substituted “that enactment”.

Banking Act 1987 (c. 22)

- 21 In section 103(6)(b) of the Banking Act 1987 (municipal banks: meaning of successor local authorities), for “or Part II of the Local Government Act 1992” there is substituted “Part II of the Local Government Act 1992 or Part II of the Local Government and Rating Act 1997”.

Local Government Finance Act 1988 (c. 41)

- 22 The Local Government Finance Act 1988 is amended as follows.
- 23 In section 47(7) (discretionary relief), after “made” there is inserted “more than six months”.
- 24 In section 59 (contributions in aid), for “Crown hereditament” there is substituted “hereditament which is exempt from local non-domestic rating by virtue of paragraph 19A of Schedule 5 below (property occupied for purposes of visiting forces etc.)”.
- 25 In section 64 (hereditaments), subsections (5) to (7D) are omitted.
- 26 In section 67 (interpretation), after subsection (5) there is inserted—
- “(5A) In subsection (5) above “Crown hereditament” has the same meaning as in section 65A above.”
- 27 In paragraph 15 of Schedule 5 (exempt parks), in sub-paragraph (3), before paragraph (a) there is inserted—
- “(aa) a Minister of the Crown or Government department or any officer or body exercising functions on behalf of the Crown,”.

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National Maritime Museum Act 1989 (c. 8)

- 28 Section 1(6) of the National Maritime Museum Act 1989 (exemption from rates of land occupied for purposes of Museum) is omitted.

Local Government Finance Act 1992 (c. 14)

- 29 In Schedule 12 to the Local Government Finance Act 1992 (payments to local authorities by the Secretary of State), in paragraph 10—
- (a) in sub-paragraph (2)(a), for “any rule of law relating to Crown exemption” there is substituted “section 7 (exemption for visiting forces etc.) of the Local Government and Rating Act 1997”,
 - (b) in sub-paragraph (3)(a)—
 - (i) in paragraph (ii) “and” is omitted,
 - (ii) after paragraph (iii) there is inserted “and
 - (iv) paragraph 4 of Schedule 2 (discretionary relief for rural settlements) to the Local Government and Rating Act 1997”.