



Valuation and Rating (Scotland) Act 1956

1956 CHAPTER 60

PART II

RATING

17 Liability to charge of owner of unoccupied lands and heritages

- (1) Where a rating authority are satisfied that the owner of any lands and heritages which have become unoccupied within their area is without reasonable cause allowing those lands and heritages to remain unoccupied, they may, after giving to such owner notice in writing of their intention to do so, levy upon him, in respect of the period commencing on such date as may be specified in the notice (not being earlier than six months from the date of the notice) and ending on the date on which the lands and heritages cease to be unoccupied, a charge of an amount equal to such proportion (not exceeding twenty-five per cent.) as may be so specified of the rates which would have been payable for the said period in respect of the lands and heritages by an occupier thereof.
- (2) Where the owner of any lands and heritages is aggrieved by the decision of a rating authority to levy any charge upon him in pursuance of the foregoing subsection he may, not later than six weeks from the date of the notice sent to him under that subsection by such authority, appeal to the sheriff against the said decision, and the sheriff shall have power to confirm, vary or annul the decision of the authority, and his decision shall be final.
- (3) In any case where in pursuance of this section a charge is being levied on the owner of any lands and heritages and such owner is of opinion that such lands and heritages are no longer being allowed to remain unoccupied without reasonable cause he may apply to the sheriff to annul the decision of the rating authority in pursuance of which the charge is being levied as aforesaid and if the sheriff is satisfied that such lands and heritages are no longer being allowed to remain unoccupied without reasonable cause he shall annul such decision as from the end of the year then current and the decision of the sheriff on any application made in pursuance of this subsection shall be final.

Status: This is the original version (as it was originally enacted).

- (4) This section shall have effect notwithstanding anything in section two hundred and forty-three of the Act of 1947, and the provisions of section seven of the House Letting and Rating (Scotland) Act, 1911, relating to the right of the owner of a small dwelling-house to claim repayment of occupiers' assessments shall not apply as regards any dwelling-house in respect of any period for which any charge is levied upon the owner thereof in pursuance of subsection (1) of this section.
- (5) A charge under this section shall be leviable and recoverable as if it were a rate and shall be treated as money paid as rates.
- (6) This section shall not apply in the case of lands and heritages being—
 - (a) lands and heritages in relation to which a building preservation order under section twenty-seven of the Town and Country Planning (Scotland) Act, 1947, is in force, or which are included in any list compiled or approved _ by the Secretary of State under section twenty-eight of that Act; or
 - (b) lands and heritages which are the subject of a preservation order under the Ancient Monuments Acts, 1913 to 1953, or which are included in any list published by the Minister of Works under the said Acts.