

1978 No. 1175 (S. 108)

RATING AND VALUATION

The Scottish Electricity Boards (Rateable Values) (Scotland)
Order 1978*Laid before Parliament in draft**Made - - - - 4th August 1978**Coming into Operation 5th August 1978*

In exercise of the powers conferred on me by section 6 of the Local Government (Scotland) Act 1975(a) as substituted by section 1 of the Local Government (Scotland) Act 1978(b), section 35(3) of the said Act of 1975 and of all other powers enabling me in that behalf, and after consultation with such associations of local authorities, and of persons carrying on undertakings, as appeared to me to be concerned and with such local authority, person or association of persons with whom consultation appeared to me to be desirable, I hereby make the following order:—

Citation and commencement

1. This order may be cited as the Scottish Electricity Boards (Rateable Values) (Scotland) Order 1978, shall come into operation on 5th August 1978, and shall have effect as from 1st April 1978.

Interpretation

2.—(1) The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) References in this order to any enactment shall be construed as including references to such enactment as amended, extended or re-enacted by or under any other enactment.

(3) In this order, unless the context otherwise requires—

“the Act of 1975” means the Local Government (Scotland) Act 1975;

“the Assessor” means the Assessor of Public Undertakings (Scotland);

“district of a Scottish Electricity Board” means, in relation to the North of Scotland Hydro-Electric Board, that district as for the time being existing for the purposes of the Electricity Act 1947(d), and, in relation to the South of Scotland Electricity Board, all of Scotland other than the district of the North of Scotland Hydro-Electric Board;

(a) 1975 c. 30.

(b) 1978 c. 4.

(c) 1889 c. 63.

(d) 1947 c. 54.

“Electricity Board” has the meaning assigned to it by section 1 of the Electricity Act 1947;

“local authority” means a regional, islands or district council;

“rating area” means the area of an islands or district council so far as it lies within the district of a Scottish Electricity Board;

“relevant year” means the year in respect of which the rateable value of lands and heritages occupied by a Scottish Electricity Board is prescribed by or, as the case may be, determined in accordance with this order;

“a Scottish Electricity Board” means either the South of Scotland Electricity Board or the North of Scotland Hydro-Electric Board;

“the Valuation Acts” means the Lands Valuation (Scotland) Act 1854(a), the Acts amending that Act and any other Act relating to valuation;

“year” means the financial year of a local authority;

and other words and expressions have the same meaning as in the Valuation Acts.

(4) Any reference in this order to a numbered article shall be construed as a reference to the article bearing that number in this order.

Determination of rateable value

3.—(1) The aggregate amount of the rateable values of the lands and heritages occupied by a Scottish Electricity Board and to which paragraph 4 of Schedule 1 to the Act of 1975 applies shall:—

(a) for the year 1978–79 be, for the South of Scotland Electricity Board, £21,600,000 and, for the North of Scotland Hydro-Electric Board, £5,300,000; and

(b) for the year 1979–80 and for subsequent years be, for each Board, the aggregate amount of the rateable values of the said lands and heritages for the year preceding the relevant year adjusted in accordance with the following formula, namely:

$$£X \times \left(1 + \frac{a - b}{4b}\right)$$

X being the aggregate amount of the rateable values for the year preceding the relevant year;

a being the number of units of electricity supplied in the penultimate year preceding the relevant year;

b being the number of units of electricity supplied in the year preceding that penultimate year;

(2) For the purposes of this article—

the number of units of electricity supplied in any year shall be taken to be the sum of (a) the total number of units, as certified by the Board, supplied by the Board to consumers within its area; and (b) forty-five per cent of the number of units, certified as aforesaid, transmitted by the Board

(a) 1854 c. 91.

to any other Electricity Board; less (c) forty-five per cent of the number of units, certified as aforesaid, transmitted to the Board by any other Electricity Board, the United Kingdom Atomic Energy Authority or British Nuclear Fuels Limited;

“consumer” does not include an Electricity Board.

Apportionment of rateable value

4.—(1) The aggregate amount of the rateable values of a Scottish Electricity Board prescribed by or, as the case may be, determined in accordance with article 3 shall be apportioned among local authorities whose areas lie wholly or partly within the district of the Board in accordance with the following formula, namely:

$$(v \times C) \times \frac{g}{G} + ((1 - v) \times C) \times \frac{r}{R}$$

v being the proportion which the aggregate value of the fixed assets employed in the generating activities of the Board bears to the aggregate value of the fixed assets employed in the generating and distribution activities of the Board as at 31st March in the penultimate year preceding the relevant year;

C being the aggregate amount of the rateable values prescribed by or, as the case may be, determined in accordance with article 3 for the relevant year;

g being the generating capacity of generating stations within a rating area as at 31st March in the penultimate year preceding the relevant year;

G being the aggregate generating capacity of generating stations within the district of the Board as at 31st March in the penultimate year preceding the relevant year;

r being the aggregate of the rateable values of all lands and heritages, other than lands and heritages entered in the valuation roll by virtue of a direction by the Assessor, in a rating area as at 1st April in the year preceding the relevant year or, if the relevant year is a year of revaluation, as at 1st April in the relevant year;

R being the aggregate of the rateable values of all lands and heritages, other than lands and heritages entered in the valuation roll by virtue of a direction by the Assessor, in all rating areas as at 1st April in the year preceding the relevant year or, if the relevant year is a year of revaluation, as at 1st April in the relevant year:

Provided that, for the purposes of the apportionment of the aggregate amount of the rateable values prescribed for the year 1978–79, for the expression “penultimate year preceding the relevant year” where it occurs in the definition of “v”, “g” and “G” there shall be substituted the expression “year preceding the relevant year”.

(2) For the purposes of this article—

- (a) the aggregate values of fixed assets shall be taken to be the values before depreciation as at the relevant 31st March as, or to be, included in the accounts of the Board, except that in the case of any such assets under construction at that date and which are to be employed in generating activities, only such proportion, as certified by the Board, of the estimated final value of such assets shall be included as corresponds with the proportion of additional generating capacity in commission on that date;

- (b) the generating capacity or aggregate generating capacity of the Board shall be taken to be the installed capacity or aggregate installed capacity, that is to say the maximum amount of electricity, as certified by the Board, capable of being generated in the generating stations in question; and the said maximum amount shall be certified on the basis that all generators which were installed by 31st March in any year were capable of being fully used at that time;
- (c) a generating station situated partly in one rating area and partly in one or more other rating areas shall be treated as situated in each of the areas and its generating capacity on any date shall be treated as apportioned between or among the areas in such manner as may be agreed between the rating authorities of the areas and the Board; or, failing such agreement, in manner determined by the Secretary of State;
- (d) the expression "generating station" includes any headworks, dams, pipelines and other lands and heritages occupied together with the station for the purposes of the generation of electricity;
- (e) the aggregates of the rateable values of all lands and heritages, other than lands and heritages entered in the valuation roll by virtue of a direction by the Assessor, in a rating area and in all rating areas shall be taken to be such sums as the Secretary of State shall estimate to be the amounts thereof from the best information available to him at the time at which the apportionment is required to be made.

Supplementary provisions

5. A Scottish Electricity Board shall transmit to the Assessor on or before 1st September 1978 a statement setting out particulars of all matters certified by the Board under article 4 for the purpose of the apportionment of the aggregate rateable values prescribed by article 3 for the year 1978-79.

6. The Assessor shall—

- (a) apportion, in accordance with article 4, the aggregate amounts of the rateable values prescribed by article 3 for the year 1978-79 and determine and apportion, in accordance with articles 3 and 4, the aggregate amounts of the rateable values for any other relevant year;
- (b) notify each local authority on or before 1st October 1978 of the rateable value apportioned to the authority for the year 1978-79;
- (c) notify a Scottish Electricity Board on or before 1st October 1978 of the rateable value apportioned to each local authority within the district of the Board for the year 1978-79.

7.—(1) A local authority may on or before 15th October 1978 make representations to the Assessor about the rateable value apportioned to the authority for the year 1978-79.

(2) A Scottish Electricity Board may on or before 15th October 1978 make representations to the Assessor about the rateable value apportioned to any local authority within the district of the Board for the year 1978-79.

Amendment of enactments

8.—(1) (a) The exercise of the duties laid on the Assessor by article 6(a) shall be deemed to be a valuation of lands and heritages under subsection (1) of section 5 of the Act of 1975;

(b) in the said section 5 “material change of circumstances” means an adjustment, in terms of article 3, or apportionment, in terms of article 4, of the aggregate amount of the rateable values determined in accordance with article 3;

(c) subsection (4) of the said section 5 shall not apply and the effective date of an entry in the valuation roll, made in pursuance of a direction under subsection (2) of the said section, of a rateable value apportioned under article 4 shall be, in relation to the year 1978–79, 1st April 1978 and, in relation to each subsequent year, the 1st April of that year.

(2) Section 2 of the Water (Scotland) Act 1949(a) shall apply to the lands and heritages specified in paragraph 4 of Schedule 1 to the Act of 1975 as if for subsections (1A) to (3) there were substituted the following words:—
“The domestic water rate shall not be leviable in respect of the lands and heritages specified in paragraph 4 of Schedule 1 to the Local Government (Scotland) Act 1975.”.

(3) In section 17 of the Local Government (Scotland) Act 1966(b)—

(a) in subsection (4), after the words “subsequent years” there shall be inserted the words “up to and including the year 1977–78”;

(b) after subsection (4) there shall be inserted the following subsection—
“(4A) As respects the year 1978–79 and subsequent years, water authorities shall have power to make charges by way of meter or otherwise in respect of water supplied to any such lands and heritages as are specified in paragraph 4 of Schedule 1 to the Local Government (Scotland) Act 1975.”.

Repeals

9. The enactments specified in the Schedule to this order so far as they relate to a Scottish Electricity Board are hereby repealed to the extent specified in the third column of the Schedule for any year commencing on or after 1st April 1978.

Bruce Millan
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.

4th August 1978.

(a) 1949 c. 31.

(b) 1966 c. 51.

SCHEDULE

REPEALS

Article 9

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1947 c. 54	Electricity Act 1947	Section 68(8).
1949 c. 31	Water (Scotland) Act 1949	Section 17.
1948 c. 26	Local Government Act 1948	Sections 85, 91, 92, 96, 97, 98, 99, 100, 102, 105 and 107.
1962 c. 9	Local Government (Financial Provisions etc.) (Scotland) Act 1962	Section 2(2). Schedule 2, paragraphs 2 and 3.
1966 c. 51	Local Government (Scotland) Act 1966	Section 17 except subsection (4), section 18 except subsections (3) and (4), and section 19.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prescribes the aggregate rateable values of the lands and heritages comprising the operational undertakings of the South of Scotland Electricity Board and the North of Scotland Hydro-Electric Board for the year 1978-79 and the method by which the aggregate rateable values for subsequent years are to be determined. It also specifies the manner in which the aggregate rateable values are to be apportioned among local authorities. The Order repeals, for any year commencing on or after 1st April 1978, the provisions of Part V of the Local Government Act 1948 and subsequent enactments for the making of payments in lieu of rates by these Boards for the benefit of local authorities in Scotland. It also repeals other related enactments and amends the Water (Scotland) Act 1949 and the Local Government (Scotland) Acts 1966 and 1975 for the purposes of this Order.

By virtue of the limited power of retrospection conferred by section 6(6) of the Local Government (Scotland) Act 1975 the Order makes provision for the whole of the year 1978-79, notwithstanding that it comes into operation after 1st April 1978.

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