
STATUTORY INSTRUMENTS

1991 No. 2022 (S. 168)

RATING AND VALUATION

The Domestic Property (Valuation) (Scotland) Regulations 1991

Made - - - - *5th September 1991*
Laid before Parliament *9th September 1991*
Coming into force - - *30th September 1991*

The Secretary of State, in exercise of the powers conferred on him by sections 3(3) and 7(2) and (3) (b) of the Local Government Finance and Valuation Act 1991⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, extent and interpretation

1. –

(1) These Regulations may be cited as the Domestic Property (Valuation) (Scotland) Regulations 1991 and shall come into force on 30th September 1991.

(2) These Regulations shall apply to Scotland only.

(3) In these Regulations “the Act” means the Local Government Finance and Valuation Act 1991.

Basis of valuation

2. –

(1) For the purposes of the valuation under section 3 (valuation of domestic properties) of the Act, the value of any domestic property shall be taken to be the amount which, on the assumptions mentioned in paragraph (2) below, the property might reasonably have been expected to realise if it had been sold in the open market by a willing seller on 1st April 1991.

(2) The assumptions are–

(a) that the sale was with vacant possession;

(b) that the property was sold free from any heritable security;

(c) that the size and layout of the property, and the physical state of its locality, were the same as at the time when the valuation of the property is made;

(d) that the property was in a state of reasonable repair;

- (e) in the case of a property the owner or occupier of which is entitled to use common parts, that those parts were in a like state of repair and the purchaser would be liable to contribute towards the cost of keeping them in such a state;
- (f) in the case of a property which has a room to which this sub-paragraph applies, that the room was not included in the property;
- (g) in the case of a property which contains (otherwise than as part of, or within, a room which, by virtue of sub-paragraph (f), is assumed not to be included in the property) fixtures to which this sub-paragraph applies, that the fixtures were not included in the property;
- (h) that the use of the property would be permanently restricted to use as a private dwelling; and
- (i) that the property had no development value other than value attributable to permitted development.

(3) Sub-paragraph (f) of paragraph (2) applies to any room of one of the following descriptions, namely, kitchen, bathroom and lavatory, which has features which—

- (a) are substantially different from those of ordinary rooms of the same description; and
- (b) are designed to make the room suitable for use by a physically disabled person;

but nothing in that sub-paragraph shall require it to be assumed that there was not included in any property at least one room of each of those descriptions.

(4) Sub-paragraph (g) of paragraph (2) applies to any fixtures which—

- (a) are designed to make the property suitable for use by a physically disabled person; and
- (b) add to the value of the property.

(5) In paragraph (2)—

“common parts”, in relation to a property, means any part of a building comprising the property and any land or premises which the owner or occupier of the property is entitled to use in common with the owners or occupiers of other premises in the immediate locality;

“permitted development” means development—

- (a) for which planning permission is not required; or
- (b) for which an application for planning permission is not required;

“state of reasonable repair”, in relation to a property, means such state of repair as might reasonably be expected by a prospective purchaser, having regard to the age and character of the property and its locality.

Prescribed areas

3. The areas for which lists of domestic properties shall be compiled and maintained as mentioned in section 3(3) of the Act are—

- (a) each region; and
- (b) each islands area.

Valuation bands

4. In the lists to be compiled and maintained as mentioned in section 3(3) of the Act, domestic properties shall be differentiated by reference to such valuation band specified in column 1 of the Schedule to these Regulations as is applicable to the property by reference to the range of values specified in column 2 of that Schedule.

St. Andrew's House,
Edinburgh
5th September 1991

Allan Stewart
Parliamentary Under Secretary of State, Scottish
Office

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

SCHEDULE

Regulation 4

VALUATION BANDS

1 Valuation band	2 Range of values
A	Not exceeding £27,000
B	Exceeding £27,000 but not exceeding £35,000
C	Exceeding £35,000 but not exceeding £45,000
D	Exceeding £45,000 but not exceeding £58,000
E	Exceeding £58,000 but not exceeding £80,000
F	Exceeding £80,000 but not exceeding £106,000
G	Exceeding £106,000 but not exceeding £212,000
H	Exceeding £212,000

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to the valuation of domestic properties in Scotland under section 3 of the Local Government Finance and Valuation Act 1991. The properties which are domestic properties for those purposes are defined in section 3(8) of the Act.

Regulation 2 sets out the basis of valuation. The value of any domestic property is to be taken to be the amount which, on the assumptions specified in paragraph (2) of the regulation, it might reasonably have been expected to realise if sold in the open market by a willing seller on 1st April 1991.

Regulation 3 specifies, as the areas for which lists of domestic properties are to be compiled and maintained, each region and islands area.

Regulation 4 and the Schedule make provision for the lists of domestic properties to be compiled by reference to valuation bands.