
STATUTORY INSTRUMENTS

1991 No. 941 (S. 94)

RATING AND VALUATION

**The British Telecommunications
plc. (Rateable Values) (Scotland) Order 1991**

Made - - - - - *29th March 1991*

Coming into force - - - - - *1st April 1991*

The Secretary of State, in exercise of the powers conferred on him by sections 6, 35 and 37(1) of the Local Government (Scotland) Act 1975(1) and of all other powers enabling him in that behalf, and after consultation with such associations of local authorities, and of persons carrying on undertakings, as appeared to him to be concerned, and with such local authorities, persons, or associations of persons with whom consultation appeared to him to be desirable, all in accordance with section 6(4) of the said Act, hereby makes the following Order, a draft of which has been laid before and has been approved by resolution of each House of Parliament:

Citation and commencement

1. This Order may be cited as the British Telecommunications plc. (Rateable Values) (Scotland) Order 1991 and shall come into force on 1st April 1991.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

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

“British Telecom” means the company registered at the date of this Order by the name of British Telecommunications plc.;

“financial year” means the period of twelve months beginning with 1st April;

“non-domestic water rate” shall be construed in accordance with the provisions of section 40 of the Water (Scotland) Act 1980(2); and

(1) 1975 c. 30; section 6(1) to (7) was substituted by the Local Government (Scotland) Act 1978 (c. 4), section 1, and section 6(1) subsequently amended by the Local Government Finance Act 1988 (c. 41), Schedule 12, paragraph 11; section 6(1A) was inserted by the Local Government and Housing Act 1989 (c. 42), Schedule 6, paragraph 18; section 37(1) contains a definition of “prescribed” which is relevant to the exercise of the powers under which this Order is made

(2) 1980 c. 45; section 40 was substituted by the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47), Schedule 5, paragraph 29, and amended by the Local Government and Housing Act 1989, Schedule 6, paragraph 16 and Schedule 1, Part II.

“prescribed class of lands and heritages” means the class of lands and heritages prescribed for the purposes of section 6(1) of the 1975 Act in article 3 of this Order.

- (2) Any reference in this Order to—
- (a) lands and heritages occupied by the British Telecom includes a reference to lands and heritages which, if unoccupied, are owned by the British Telecom; and
 - (b) lands and heritages used for any purpose includes a reference to lands and heritages which are unused but in relation to which it appears that, when next in use, they will be used for such a purpose.

Prescribed class of lands and heritages

3. The following class of lands and heritages is hereby prescribed for the purposes of section 6(1) of the 1975 Act, namely any lands and heritages in Scotland occupied by any posts, wires, underground cables and ducts, telephone kiosks, switchgear and other equipment not within a building, or by servitudes or wayleaves, and being lands and heritages occupied by British Telecom and used for the purposes of telecommunications services.

Non-domestic water rate

4. The non-domestic water rate shall not be leviable in respect of the prescribed class of lands and heritages in respect of the financial year 1991-92.

Aggregate amount of rateable values for financial year 1991-92

5. For the purposes of section 6(1) of the 1975 Act, the aggregate amount of the rateable values of the prescribed class of lands and heritages for the financial year 1991-92 is hereby prescribed as £15,969,707.

Apportionment of aggregate amount of rateable values

6. For the purposes of section 6(2) of the 1975 Act, the aggregate amount of the rateable values of the prescribed class of lands and heritages for the financial year 1991-92 which is prescribed by article 5 shall be apportioned among the local authorities specified in column 1 of the Schedule to this Order in the amount shown opposite to the name of each such local authority in column 2 of that Schedule.

Amendment of enactments

7. For the purposes of section 6(5) of the 1975 Act, the following amendments shall be made to the enactments specified in articles 8 and 9 below in their relation to the valuation of the prescribed class of lands and heritages for the financial year 1991-92.

8. In section 6(1) of the Valuation and Rating (Scotland) Act 1956(3), after the words “this Act”, there shall be inserted the words “and to any Order made by the Secretary of State under section 6 of the Local Government (Scotland) Act 1975”.

- 9.—(1) Section 2(1)(c) of the 1975 Act shall be amended by inserting at the end the following:—
- “(iii) upon their ceasing to be lands and heritages within the class of lands and heritages prescribed in the British Telecommunications plc. (Rateable Values) (Scotland) Order 1991 (hereinafter in this Act referred to as “the 1991 Order”);”

(3) 1956 c. 60; section 6(1) was amended by the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47), Schedule 6 and the Local Government and Housing Act 1989 (c. 42), Schedule 6, paragraph 3.

(2) Section 2(1)(d) of that Act shall be amended by inserting after the words “lands and heritages” the following words:—

“(other than lands and heritages within the class of lands and heritages prescribed in the 1991 Order)”.

(3) After paragraph (g) of section 2(1) of that Act there shall be inserted the following paragraphs:

—
“(gg) by deleting therefrom, with effect on and after 1st April 1991, any lands and heritages prescribed in the British Telecommunications plc. (Rateable Values)(Scotland) Order 1990(4) which were entered in the roll immediately before that date; and

(ggg) by entering therein any lands and heritages within the class of lands and heritages prescribed in the 1991 Order together with the rateable values apportioned by that Order to the local authorities whose areas comprise or form part of the valuation area;”.

(4) In section 2(2)(a) of that Act, after the reference to “subsection (1)(a)”, there shall be inserted the words “or (ggg)”.

(5) In section 3(2) of that Act, for the words from “and any such person” to the end, there shall be substituted the following:—

“and, where the entry relates to any lands and heritages within the class of lands and heritages prescribed in the 1991 Order, any such person may at any time while the roll is in force appeal against the entry but only on the ground that there is such an error in the entry as is referred to in section 2(1)(f) of this Act.”.

(6) In section 3(4) of that Act, after the words “lands and heritages” where they appear for the first time, there shall be inserted the following:—

“(other than lands and heritages within the class of lands and heritages prescribed in the 1991 Order)”.

St Andrew’s House,
Edinburgh
29th March 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

Article 6

Apportionment of aggregate amount of rateable values of prescribed class of lands and heritages for financial year 1991-92

(1) Local authority	(2) Apportioned amount
District Councils:—	
Berwickshire	£ 62,102
Ettrick and Lauderdale	121,649
Roxburgh	114,126
Tweeddale	47,142
Clackmannan	108,719
Falkirk	379,781
Stirling	270,303
Annandale and Eskdale	102,266
Nithsdale	180,912
Stewarty	76,718
Wigtown	93,641
Dunfermline	337,160
Kirkcaldy	397,540
North East Fife	196,732
City of Aberdeen	980,424
Banff and Buchan	253,373
Gordon	202,005
Kincardine and Deeside	133,884
Moray	243,393
Badenoch and Strathspey	44,062
Caithness	84,921
Inverness	242,496
Lochaber	71,075
Nairn	28,360
Ross and Cromarty	155,542
Skye and Lochalsh	46,605
Sutherland	50,989
East Lothian	216,953
City of Edinburgh	1,901,478

(1) Local authority	(2) Apportioned amount
Midlothian	183,577
West Lothian	392,193
Argyll and Bute	253,787
Bearsden and Milngavie	93,953
Clydebank	137,476
Clydesdale	137,873
Cumbernauld and Kilsyth	163,922
Cumnock and Doon Valley	92,290
Cunninghame	352,868
Dumbarton	205,030
East Kilbride	235,565
Eastwood	103,459
City of Glasgow	2,531,326
Hamilton	290,820
Inverclyde	231,265
Kilmarnock and Loudoun	214,307
Kyle and Carrick	356,859
Monklands	242,394
Motherwell	347,440
Renfrew	612,171
Strathkelvin	190,477
Angus	273,230
City of Dundee	545,093
Perth and Kinross	420,126
Islands Council:—	
Orkney	70,087
Shetland	80,901
Western Isles	84,597

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the valuation for the financial year 1991-92 of certain lands and heritages occupied by British Telecommunications plc. (article 3) (“the prescribed class of lands and heritages”).

The Order prescribes the aggregate amount of the rateable values of the prescribed class of lands and heritages for that financial year at £15,969,707 (article 5). It also apportions that aggregate amount among local authorities in accordance with the Schedule to the Order (article 6).

The Order provides that the non-domestic water rate shall not be leviable in respect of the prescribed class of lands and heritages for that financial year (article 4).

The Order amends certain enactments relating to the valuation of the prescribed class of lands and heritages (articles 7 to 9).