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STATUTORY INSTRUMENTS

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**1994 No. 2071 (S.96)**

**RATING AND VALUATION**

**The British Telecommunications  
plc. (Rateable Values) (Scotland) Order 1994**

*Made* - - - - - *29th July 1994*  
*Coming into force* - - - - - *30th July 1994*

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, commencement and date of effect**

1.—(1) This Order may be cited as the British Telecommunications plc. (Rateable Values) (Scotland) Order 1994 and shall come into force on the day after the day on which it is made.

(2) This Order shall have effect as from 1st April 1994(2).

**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;

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(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 substituted by the Local Government Finance Act 1988 (c. 41), Schedule 12, paragraph 11 and amended by the Local Government Finance Act 1992 (c. 14), Schedule 13, paragraph 42; 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 and which was amended by the Local Government Finance Act 1992, Schedule 13, paragraph 43(c).

(2) In terms of subsection (6) of section 6 of the 1975 Act, an order under that section may provide that the order shall have effect as from the beginning of the financial year in which it is made.

“non-domestic water rate” shall be construed in accordance with the provisions of section 40 of the Water (Scotland) Act 1980(3); and

“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 British Telecom includes a reference to lands and heritages which, if unoccupied, are owned by 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 1994-95.

### **Aggregate amount of rateable values for financial year 1994-95**

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 1994-95 is hereby prescribed as £22,269,317.

### **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 1994-95 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 the name of each such local authority in column 2 of that Schedule.

### **Amendment of enactments**

7. 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 1994-95.

8. In section 6(1) of the Valuation and Rating (Scotland) Act 1956(4), 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”.

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(3) 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, paragraphs 16 and 18 and Schedule 12, Part II and by the Local Government Finance Act 1992, Schedule 11, paragraph 31.

(4) 1956 c. 60; section 6(1) was amended by the Abolition of Domestic Rates Etc. (Scotland) Act 1987, Schedule 6 and the Local Government and Housing Act 1989, Schedule 6, paragraph 3.

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 1994 (hereinafter in this Act referred to as “the 1994 Order”);”.

(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 1994 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 from 1st April 1994, any lands and heritages within the class of lands and heritages prescribed in the 1994 Order which were entered in the roll before the date of coming into force of that Order;

(ggg) by entering therein, with effect from 1st April 1994, any lands and heritages within the class of lands and heritages prescribed in the 1994 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 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 1994 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 a clerical error in that entry.”.

(5) 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 1994 Order)

## **Revocation**

10. The British Telecommunications plc. (Rateable Values) (Scotland) Order 1993(5) is hereby revoked.

St Andrew’s House,  
Edinburgh  
29th July 1994

*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 1994-95

<i>(1)</i> <i>Local authority</i>	<i>(2)</i> <i>Apportioned amount</i>
<i>District Councils:</i>	
Berwickshire	£ 86,600
Ettrick and Lauderdale	169,636
Roxburgh	159,145
Tweeddale	65,739
Clackmannan	151,606
Falkirk	529,594
Stirling	376,930
Annandale and Eskdale	142,607
Nithsdale	252,276
Stewartry	106,982
Wigtown	130,580
Dunfermline	470,161
irkcaldy	554,359
North East Fife	274,338
City of Aberdeen	1,367,174
Banff and Buchan	353,321
Gordon	281,690
Kincardine and Deesdie	186,697
Moray	339,405
Badenoch and Strathspey	61,443
Caithness	118,420
Inverness	338,155
Lochaber	99,112
Nairn	39,547
Ross and Cromarty	216,899
Skye and Lochalsh	64,990
Sutherland	71,103
East Lothian	302,534
City of Edinburgh	2,651,559

<i>(1)</i> <i>Local authority</i>	<i>(2)</i> <i>Apportioned amount</i>
Midlothian	255,994
West Lothian	546,903
Argyll and Bute	328,798
Bearsden and Milngavie	131,015
Clydebank	192,083
Clydesdale	192,260
Cumbernauld and Kilsyth	228,585
Cumnock and Doon Valley	128,696
Cunninghame	492,065
Dumbarton	285,908
East Kilbride	328,490
Eastwood	144,270
City of Glasgow	3,529,865
Hamilton	405,540
Inverclyde	322,492
Kilmarnock and Loudoun	298,845
Kyle and Carrick	497,630
Monklands	338,011
Motherwell	484,496
Renfrew	853,655
Strathkelvin	265,615
Angus	381,011
City of Dundee	760,117
Perth and Kinross	585,854
<i>Islands Council</i>	
Orkney	97,735
Shetland	112,814
Western Islands	117,968

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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 1994-95 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 £22,269,317 (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 and revokes the Order for financial year 1993-94 concerning British Telecommunications plc. (articles 7 to 10).

In pursuance of the power in section 6(6) of the Local Government (Scotland) Act 1975, as amended, the Order has effect from 1st April 1994.