



Local Government in Scotland Act 2003

2003 asp 1

PART 5

RATING AND COUNCIL TAX

28 Rate relief on former agricultural premises etc.

- (1) In section 5 of the Local Government and Rating Act 1997 (c. 29) (which provides that Schedule 2 to that Act (which gives rate relief for certain lands and heritages in rural settlements) is to have effect), the words “in rural settlements” are repealed.
- (2) In section 8(2) of that Act (procedure for orders under that Schedule), after “3(2)(c)(ii)” there is inserted “ and 3A(9) ”.
- (3) After paragraph 3 of that Schedule there is inserted—

“3A (1) For any period (“the relevant period”) in a financial year beginning on or after 1st April 2003 where sub-paragraph (2) applies to lands and heritages, the non-domestic rate leviable in respect of the lands and heritages is to be one half of the non-domestic rate which would have been leviable apart from this paragraph.

(2) This sub-paragraph applies where—

- (a) the rateable value of the lands and heritages shown in the valuation roll at the beginning of the financial year in which the relevant period falls is not more than any amount prescribed by the Scottish Ministers by order,
- (b) the lands and heritages consist wholly or mainly of land or a building which, on at least 183 days during the period of one year which ends immediately before this sub-paragraph comes into effect, was (or was, by virtue of any enactment, treated as being) agricultural lands and heritages for the purposes of section 7(3) (no agricultural lands and heritages to be entered in the valuation roll) of the Valuation and Rating (Scotland) Act 1956 (c. 60), and
- (c) during the relevant period, the land or building—

*Changes to legislation: There are currently no known outstanding effects for the
 Local Government in Scotland Act 2003, Section 28. (See end of Document for details)*

- (i) is not (and is not, by virtue of any enactment, treated as being) agricultural lands and heritages for those purposes, and
 - (ii) is occupied by a relevant person.
- (3) For the purposes of sub-paragraph (2)(b)—
- (a) any part of the lands and heritages which was, on the days which are taken into account for the purposes of determining whether the condition set out in that sub-paragraph is met, a dwelling (within the meaning of Part II (council tax) of the Local Government Finance Act 1992 (c. 14)) is to be disregarded for the purposes of determining whether that condition is met, and
 - (b) a building which has replaced a building which was, on those days, an agricultural building (within the meaning of section 7(2) of that Act of 1956) is to be treated as if it were the original building.
- (4) For the purposes of sub-paragraph (2)(c), land or a building is occupied by a relevant person if it is occupied by—
- (a) the person who occupied the land or building on the days which are taken into account for the purposes of determining whether the condition set out in sub-paragraph (2)(b) is met, or
 - (b) a member of that person’s family.
- (5) If the land or building was occupied, on the days which are taken into account for the purposes of determining whether the condition set out in sub-paragraph (2)(b) is met, by a body corporate or a partnership, the reference in subsection (4)(a) above to a person is to be treated as a reference to—
- (a) any person who, on each of those days, had (alone or together with members of that person’s family)—
 - (i) more than half the voting rights in the company, or
 - (ii) the right to appoint or remove a majority of the directors of the company, or, as the case may be
 - (b) any person who, together with members of that person’s family, were, on each of those days, both, all or a majority of the partners in the partnership.
- (6) In determining, for the purposes of sub-paragraph (4)(b) or (5), whether a person is a member of the same family as another—
- (a) a person is to be so treated if that person is—
 - (i) the spouse or a brother or sister of the spouse,
 - (ii) a parent or other ascendant or child (or step-child) or other descendant,
 - (iii) a brother or sister or the spouse of a brother or sister, or
 - (iv) an uncle, aunt, niece, nephew or cousin,
 of the other, and
 - (b) a person is to be treated as another’s spouse if they live together—
 - (i) as if they were husband and wife, or

*Changes to legislation: There are currently no known outstanding effects for the
Local Government in Scotland Act 2003, Section 28. (See end of Document for details)*

- (ii) in a relationship which has the characteristics of the relationship between husband and wife except that the persons are of the same gender.
 - (7) Sub-paragraph (2) does not apply to land and heritages during any period in which section 7B (rate relief for certain buildings used for breeding or rearing horses) of that Act of 1956 applies in relation to the land and heritages.
 - (8) Subject to sub-paragraph (9), this paragraph ceases to have effect at the end of the period of five years beginning with the day on which this paragraph comes into effect.
 - (9) The Scottish Ministers may by order extend or further extend the period mentioned in sub-paragraph (8).
 - (10) If the period is extended or further extended sub-paragraph (2) does not apply to lands and heritages after the end of the period of five years beginning with the day on which it first applied to the lands and heritages.”.
- (4) In paragraph 4 (discretionary rate relief) of that Schedule—
- (a) in sub-paragraph (1), for the words “the condition mentioned in sub-paragraph (2) applies to the lands and heritages” there is substituted “ any of the conditions mentioned in sub-paragraphs (2) to (2B) applies ”;
 - (b) in sub-paragraph (2), for the words “The condition” there is substituted “ The first of those conditions ”;
 - (c) after that sub-paragraph there is inserted—
 - “(2A) The second of those conditions is that paragraph 3A(2) applies in relation to the lands and heritages.
 - (2B) The third of those conditions is that—
 - (a) section 7B (rate relief for certain buildings used for breeding or rearing horses) of that Act of 1956 applies in relation to the lands and heritages,
 - (b) that section did not apply in relation to the lands and heritages before 1st April 2003, and
 - (c) the rateable value of the lands and heritages shown in the valuation roll at the beginning of the financial year is not more than any amount prescribed by the Scottish Ministers by order.”; and
 - (d) after sub-paragraph (3) there is inserted—
 - “(4) The amendments to this paragraph made by section 28 of the Local Government in Scotland Act 2003 (asp 1) (which allow discretionary relief to be given to certain former agricultural premises and certain buildings used for breeding or rearing horses) are to have effect only as respects financial years beginning on or after 1st April 2003.”.

Changes to legislation:

There are currently no known outstanding effects for the Local Government in Scotland Act 2003, Section 28.