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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 557**

**RATING AND VALUATION**

**The Non-Domestic Rating (Telecommunications and Canals) (Scotland) Amendment Order 2006**

<i>Made</i>	- - - -	<i>22nd November</i>
<i>Laid before the Scottish</i>		<i>2006</i>
<i>Parliament</i>	- - - -	<i>23rd November 2006</i>
<i>Coming into force</i>	- -	<i>1st January 2007</i>

The Scottish Ministers, in exercise of the powers conferred by section 6A of the Valuation and Rating (Scotland) Act 1956<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Non-Domestic Rating (Telecommunications and Canals) (Scotland) Amendment Order 2006 and shall come into force on 1st January 2007.

(2) In this Order, “the 1995 Order” means the Non-Domestic Rating (Telecommunications and Canals) (Scotland) Order 1995<sup>(2)</sup>.

**Amendment of the Non-Domestic Rating (Telecommunications and Canals) (Scotland) Order 1995**

2.—(1) The 1995 Order is amended by paragraphs (2) to (4).

(2) Omit article 2(c), and substitute—

“occupied by posts, wires, fibres, cables, ducts, telephone kiosks, towers, masts, switching equipment, other equipment, or by servitudes or wayleaves (being property used for the monitoring, processing or transmission of communications or other signals for the provision of electronic communications services).”.

(3) Insert article 2A—

“2A. In article 2B, “unbundled local loop” means—

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(1) 1956 c. 60. Section 6A was inserted by virtue of section 161 of the Local Government etc. (Scotland) Act 1994 (c. 39) and S.I.1994/3150. The functions of the Secretary of State in terms of section 6A were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.I. 1995/239

- (a) cables, fibres, wires and conductors (or part of these) used or intended to be used for carrying communications or other signals between the network terminating equipment on the premises of end-users and premises (or part of these) used for the processing of the communications or other signals, and land occupied with these; and
- (b) poles, posts, towers, masts, mast radiators, pipes, ducts, conduits and any associated supports and foundations (or part of these) used or intended to be used in connection with any of the items listed in paragraph (a), and land occupied with these,

which British Telecommunications plc lets or licenses to any person.”.

(4) Insert article 2B–

“**2B.** The unbundled local loop shall be treated as occupied by British Telecommunications plc from 1st January 2007 until 31st March 2008.”.

St Andrew’s House,  
Edinburgh  
22nd November 2006

*TOM McCABE*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends article 2 of the Non-Domestic Rating (Telecommunications and Canals) (Scotland) Order 1995 (“the 1995 Order”), and inserts new articles 2A and 2B, with effect from 1st January 2007. The 1995 Order made provision for the treatment as a single valuation unit for non-domestic rating purposes of certain property in Scotland which would otherwise be treated as several such units, including certain telecommunications property.

Article 2(2) of this Order substitutes a new article 2(c) of the 1995 Order. This updates the definition of the telecommunications lands and heritages that shall be treated as justifying only one entry in the valuation roll, where the defined lands and heritages are situated in a single local government area and are occupied by, or if unoccupied, owned by the same person.

Article 2(3) inserts article 2A of the 1995 Order, to define the unbundled local loop for the purposes of article 2(4).

Article 2(4) inserts article 2B of the 1995 Order, which prescribes a rule to determine who is to be treated as occupier of any of the specified lands and heritages. This treats the unbundled local loop which British Telecommunications plc lets or licenses to any person as occupied by that company from 1st January 2007 until 31st March 2008.