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## SCHEDULES

### SCHEDULE 5

Section 32.

#### RAILWAY OR CANAL PREMISES.

#### PART I

##### *Amount of payments in lieu of rates*

- 1 The amount of the payment in any year by any transport Board under section 32(5) of this Act shall be determined in accordance with the provisions of this Part of this Schedule by reference to the following amount (hereafter in this Part of this Schedule referred to as the "standard amount"), that is to say—

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(a) in the case of the British Railways Board	3,522,000
(b) in the case of the London Transport Board	1,193,000
(c) in the case of the British Waterways Board	85,000

- 2 (1) For each year there shall be determined the number (reduced or increased to the nearest whole number by ignoring any fraction which is less than one-half and treating any other fraction as equivalent to one) representing the aggregate gross charge to rates for England and Wales for the immediately preceding year, as ascertained or estimated, and in either case certified, by the Minister, multiplied by 240 and divided by the rateable value for England and Wales for that immediately preceding year as ascertained and certified by the Minister.
- (2) The reference in sub-paragraph (1) of this paragraph to the aggregate gross charge to rates for England and Wales for the immediately preceding year shall be construed as a reference to the total of the amounts required to be paid by virtue of all the rates made by all the rating authorities in England and Wales for that year or any part thereof, calculated as if, in the case of each hereditament, the amount payable were that ascertained by applying the poundage of the rate to the rateable value of the hereditament, without any allowance or deduction, and (if that year is the year 1967-68 or a later year) as if the aggregate amount of the domestic element of rate support grants for that year were an amount required to be paid by virtue of rates made for that year by rating authorities in England and Wales; and for the purposes of the said sub-paragraph (1)—
- (a) the rateable value for England and Wales for any year shall be taken to be the aggregate of the rateable values for that year of the areas of all rating authorities in England and Wales ; and

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- (b) the rateable value of the area of a rating authority for any year shall be taken to be the aggregate, as certified by the valuation officer, of the rateable values shown on the first day of that year in the valuation list in force on that day for that area, subject, however, to any alteration in the list made in consequence of any provision of this Act whereby the alteration is to be treated as having been made at the beginning of the year.
- 3 (1) The amount to be paid in any year by each respectively of the transport Boards shall be the relevant standard amount adjusted—
- (a) by applying to that standard amount the fraction of which the numerator is the number determined under paragraph 2(1) of this Schedule and the denominator is 214; and
  - (b) by making such further adjustments for changes in the circumstances of the Board in question as may be prescribed by order made, subject to paragraph 6(2) of this Schedule, by the Minister.
- (2) Any order made under sub-paragraph (1)(b) of this paragraph may provide for effecting a comparison between the circumstances of the transport Board in question and the circumstances at some time before 1st January 1963 of the British Transport Commission as a whole, or of the part of the Commission's undertaking corresponding to that of the Board, or partly the one and partly the other.

## PART II

### *Supplementary provisions*

- 4 (1) The sums falling to be paid for any year by virtue of section 32(5) of this Act shall be paid to the Minister and, subject to sub-paragraphs (2) and (3) of this paragraph, shall be distributed by him at such times as he may determine among the rating authorities in England and Wales in proportion to the rateable values of their respective areas for that year determined in accordance with paragraph 2(2)(6) of this Schedule and be taken into account for any purposes of this or any other Act as if they were paid on account of rates, and in computing the product of a penny rate ; and where, under any statutory provision other than this Act, any amount falls to be calculated by reference to the rateable value for any area, the Minister may by regulations provide that, for the purposes of that statutory provision, the rateable value of the area of any rating authority who receive any payment from the sums paid under the said section 32(5) shall be deemed to be increased by an amount calculated, by reference to the payments so made to that authority, in such manner as may be prescribed by the regulations.
- (2) The Minister may, after consultation with such of the Transport Boards and such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable, by order provide that the sums paid to him under sub-paragraph (1) of this paragraph shall, instead of being distributed as provided by that sub-paragraph, be distributed as provided by the order ; and any such order—
- (a) may contain such incidental, supplemental and consequential provisions, including provisions altering any enactment or instrument, as the Minister considers expedient for the purposes of the order ; and
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (3) Any sums payable by the Minister under any provision of the Local Government Act 1948 by way of compensation to any officer or servant of the Railway Assessment Authority or the Anglo-Scottish Railways Assessment Authority shall be defrayed out of such payments falling to be made by virtue of the said section 32(5) as the Minister may direct
- (4) In relation to the City of London, the provisions of sub-paragraph (1) of this paragraph with respect to the taking into account of sums distributed under that sub-paragraph shall have effect subject to such modifications as the Minister may by order direct.
- 5 Without prejudice to the powers to make orders conferred by paragraphs 3(1)(b) and 4(2), but subject to paragraph 6, of this Schedule, the Minister may, after such consultation as is mentioned in the said paragraph 4(2), by order do all or any of the following things, that is to say—
- (a) direct that the provisions of section 32 of this Act with respect to railway or canal premises shall apply also to other premises occupied wholly or mainly for purposes of any of the transport Boards, or shall not apply to premises to which they would apply but for the provisions of the order;
  - (b) make such amendments in the provisions of the said section 32 or Part V of this Act as may be consequential on the giving of any such direction as is mentioned in sub-paragraph (a) of this paragraph ; and
  - (c) make such amendments, whether consequential or not, in any of the figures set out in this Schedule as may be specified in the order.
- 6 (1) No order shall be made under paragraph 3(1)(b) or 5 of this Schedule unless a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.
- (2) An order made under the said paragraph 3(1)(b) with respect to the British Railways Board shall be made by the Minister and the Secretary of State for Scotland acting jointly and shall be made as one statutory instrument with, and make for England and Wales provision identical with that made for Scotland by, an order with respect to Scotland under section 66(4)(b) of the Transport Act 1962.
- (3) An order under paragraph 5 of this Schedule may be made as one statutory instrument with an order with respect to Scotland under section 109 of the Local Government Act 1948 and, in that case, shall be made by the Minister and the Secretary of State for Scotland acting jointly.
- 7 Without prejudice to the power to make regulations conferred on him by paragraph 4(1) of this Schedule, the Minister may make regulations for carrying section 32 of this Act and this Schedule into effect, and in particular—
- (a) for determining the manner in which, subject to the express provisions of the said section 32 or this Schedule, any calculation or estimate is to be made for any of the purposes of that section or this Schedule ;
  - (b) for determining the times at which payments by virtue of section 32(5) of this Act are to be made ;
  - (c) for providing that the calculations or estimates by reference to which any such payments are made may be treated as either conclusive or provisional, or conclusive for some purposes and provisional for other purposes, and, so far as they are to be treated as provisional, for the making of further calculations or estimates based on information not previously available and for adjusting in the light thereof any payments already made;

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- (d) for modifying the operation of the said section 32 or this Schedule in relation to any authority if and in so far as any such modification is required in relation to that authority in consequence of any alterations or combinations of authorities or alterations of boundaries.
- 8 (1) In determining the rateable value of any office premises such as are mentioned in section 32(2)(b) of this Act, any part of the premises which is not used as an office or for office purposes, or for purposes ancillary to the use of the premises as an office or for office purposes, shall be disregarded.
- (2) The Minister may by regulations make such provision as he considers appropriate for securing, in the case of—
- (a) premises liable to be rated both by virtue of the said section 32(2)(b) and by virtue of some other enactment; and
  - (b) premises of which a part is liable to be rated by virtue of the said section 32(2)(b) and another part is liable to be rated by virtue of some other enactment, that the premises are included in the valuation list as a single hereditament with a single rateable value; and the regulations may make different provision for different circumstances and may contain such supplemental, consequential and incidental provisions, including provisions modifying any enactment, as the Minister considers expedient for the purposes of the regulations.
- (3) Any question as to whether, for the purposes of the said section 32(2)(b), any premises are situated on operational land of the body in question shall be determined by the Minister of Transport.
- (4) The valuation officer shall from time to time make such proposals as appear to him to be requisite for altering valuation lists so as to give effect to the said section 32(2)(b) and sub-paragraph (1) of this paragraph, and may, if he thinks fit, before making such a proposal in respect of any premises—
- (a) raise a question as to whether the premises are situated on operational land of the body in question ; and
  - (b) make an application to the Minister of Transport for the determination of that question ;
- and if he makes such an application he shall, before the expiration of the period of seven days beginning with the date of the application, serve notice of it on the occupier of the premises and the rating authority for the area in which the premises are situated ; and where it is determined in consequence of the application that the premises to which the application relates are not situated on operational land of the body in question—
- (i) the valuation officer may make a proposal in respect of the premises by reference to the same considerations as would have been applicable if the proposal had been made on the date of the application ; and
  - (ii) any alteration in a valuation list made in pursuance of a proposal certified by the valuation officer to have been made by him in consequence of the determination shall have effect as if any notice of the proposal served on the occupier of the premises had been so served at the same time as the notice of the application was served on him under the foregoing provision of this sub-paragraph.