



# Local Government (Scotland) Act 1975

## 1975 CHAPTER 30

### PART I

#### FINANCE

##### *Valuation*

#### **1 The valuation roll and revaluation.**

- (1) The assessor for each valuation area shall, in respect of each year of revaluation, make up a valuation roll in the prescribed form which shall come into force on the first day of the year of revaluation.
- (2) Subject to any alterations to the valuation roll made under this section and section 2 of this Act, every valuation roll (including every valuation roll in force for the year 1975-76 other than the roll made up for that year by the Assessor of Public Undertakings (Scotland) (hereinafter in this Act referred to as “the Assessor”)) shall remain in force until it is superseded by a new valuation roll.
- (3) The assessor for each valuation area shall—
  - (a) make such arrangements as may be necessary to secure the valuation or revaluation of all lands and heritages in the area in respect of each year of revaluation in accordance with the Valuation Acts; . . . <sup>F1</sup>
  - (b) submit such arrangements to the Secretary of State who may, after consultation with the Advisory Council, approve the same with or without modifications; and
  - (c) submit to the Advisory Council an annual report on the progress of valuation and revaluation in the area and send a copy of such report to the valuation authority for the area.
- (4) Subject to section 35 of the <sup>M1</sup>Lands Valuation (Scotland) Act 1854, the assessor for each valuation area shall retain the valuation roll and shall deliver sufficient copies thereof to the rating authority for the area.

*Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government (Scotland) Act 1975, Part 1. (See end of Document for details)*

- (5) Every rating authority shall, when copies of the valuation roll have been delivered to them, cause copies to be open to inspection until the roll ceases to be in force during ordinary business hours at their office or at such other convenient place or places as they may appoint.
- (6) The assessor for any valuation area may as respects that area, at any time after the valuation roll has been made up and before the roll has come into force, alter the roll—
- (a) by entering therein any lands and heritages which were in existence at the time when the roll was made up and which, owing to error, were not included therein;
  - (b) by entering therein any lands and heritages which have come into existence or occupancy since the roll was made up;
  - (c) to give effect to any alteration in the value of any lands and heritages which is due to a material change of circumstances;
  - (d) to correct any error of measurement, survey or classification or any clerical or arithmetical error in any entry therein;
  - (e) by entering therein any lands and heritages which the Assessor has directed him under section 5 of this Act so to enter.

(6A) . . . . . F2

- (7) In this section “Advisory Council” has the same meaning as in section 3 of the <sup>M2</sup>Valuation and Rating (Scotland) Act 1956; . . . F3

#### Textual Amendments

- F1** Proviso repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, [Sch. 6](#)
- F2** [S. 1\(6A\)–\(6E\)](#) repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, [Sch. 6](#)
- F3** Definitions repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, [Sch. 6](#)

#### Modifications etc. (not altering text)

- C1** [S. 1](#) excluded by [Valuation and Rating \(Exempted Classes\) \(Scotland\) Act 1976 \(c. 64, SIF 103:2\)](#), [s. 2\(2\)](#)
- C2** [S. 1\(2\)](#) excluded by [S.I. 1983/120](#), [art. 4](#) and [1983/534](#), art. 3

#### Marginal Citations

- M1** [1854 c. 91](#).
- M2** [1956 c. 60](#).

## 2 Alterations to valuation roll which is in force.

- (1) Subject to subsection (2) below, the assessor for any valuation area shall, as respects that area, at any time while the valuation roll is in force, alter the roll—
- (a) by entering therein any lands and heritages which were in existence at the time when the roll was made up and which, owing to error, were not included therein [<sup>F4</sup>or which, being still in existence, have been erroneously deleted from the roll under paragraph (h) below];

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- (b) by entering therein any lands and heritages which have come into existence or occupancy since the roll was made up;
- (c) by entering therein any lands and heritages—
  - (i) upon their ceasing to be liable to be valued or revalued by the Assessor under any enactment,
  - (ii) upon their coming within the assessor’s valuation area as a result of a change of the boundaries of valuation areas;
- (d) to give effect to any alteration in the value of any lands and heritages which is due to a material change of circumstances;
- (e) to give effect to any alteration in the net annual value or the rateable value of any lands and heritages in consequence of the making of an order . . . <sup>F5</sup>, section 10(2) of the <sup>M3</sup>Local Government (Financial Provisions) (Scotland) Act 1963 or section 1(1) of the <sup>M4</sup>Valuation for Rating (Scotland) Act 1970;
- [<sup>F6</sup>(ee) to give effect to any decision following upon an appeal or complaint under the Valuation Acts;]
- (f) to correct any error of measurement, survey or classification or any clerical or arithmetical error in any entry therein;
- (g) by entering therein any lands and heritages which the Assessor has directed him under section 5 of this Act so to enter;
- (h) by deleting therefrom, with effect from such date as the assessor thinks fit, any lands and heritages which cease to exist or which, for any other reason, are no longer appropriate for inclusion in the roll

[<sup>F7</sup>and may so alter the roll to give effect to any change in the proprietorship, tenancy or occupancy of any lands and heritages.]

(2) Any alteration to the roll—

- (a) consisting of an entry made under subsection (1)(a) above, shall have effect only as from the beginning of the year in which the entry is made;
- (b) consisting of an entry made under subsection (1)(b) above, shall have effect only as from the date when the lands and heritages to which the entry relates came into existence or occupancy, or as from the beginning of the year in which the entry is made, whichever is the later;
- (c) made under subsection (1)(d) above, shall . . . <sup>F8</sup> have effect only as from the date of the event by reason of which the alteration is made or as from the beginning of the year in which the alteration is made, whichever is the later:

Provided that if the proprietor, tenant or occupier of the lands and heritages has intimated in writing to the assessor the event by reason of which a reduction in value of the lands and heritages is made, or on appeal the value in the relevant entry has been reduced on the ground of a material change of circumstances, the alteration in the roll shall have effect as from the date of the event or as from the beginning of the year in which intimation of the event is made, whichever is the later, or, as the case may be, as from the date of the material change of circumstances on which the appeal is grounded or as from the beginning of the year in which the appeal is lodged, whichever is the later;

- [<sup>F9</sup>(cc) made under subsection (1)(ee) above following upon an appeal by virtue of section 3(2A) of this Act by a person who has become the proprietor, tenant or occupier of lands and heritages shall have effect only as from the date when he became such proprietor, tenant or occupier;]
- (d) consisting of such a correction as is referred to in subsection (1)(f) above shall [<sup>F10</sup>, subject to section 20 of the <sup>M5</sup>Local Government (Financial Provisions)

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(Scotland) Act 1963,] have effect only as from the date when the erroneous entry which is so corrected was made in the roll or as from the beginning of the year in which the correction is made, whichever is the later;

and the date on which any alteration in the roll made under this section comes into effect shall be stated in the roll.

- (3) Where, at any time before an appeal or complaint against an entry in the valuation roll is determined by a valuation appeal committee [F11 or by the Lands Tribunal for Scotland], the parties reach agreement as to what should be done about the entry, the assessor may without further procedure make such alteration in the roll as is necessary to give effect to the agreement.

- (4) ..... F12

#### Textual Amendments

- F4** Words added by [Rating and Valuation \(Amendment\) \(Scotland\) Act 1984 \(c. 31, SIF 103:2\)](#), s. 21, [Sch.2 para. 13\(1\)](#)
- F5** Words repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, [Sch. 6](#)
- F6** [S. 2\(1\)\(ee\)](#) inserted by [Rating and Valuation \(Amendment\) \(Scotland\) Act 1984 \(c. 31, SIF 103:2\)](#), s. 21, [Sch. 2 para. 13\(2\)](#)
- F7** Words inserted by [Rating and Valuation \(Amendment\) \(Scotland\) Act 1984 \(c. 31, SIF 103:2\)](#), s. 21, [Sch. 2 para. 13\(3\)](#)
- F8** Words (comprising s. 2(2)(c)(i) and part of (ii)) repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, [Sch. 6](#)
- F9** [S. 2\(2\)\(cc\)](#) inserted by [Rating and Valuation \(Amendment\) \(Scotland\) Act 1984 \(c. 31, SIF 103:2\)](#), s. 21, [Sch. 2 para. 14](#)
- F10** Words inserted by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), [Sch. 3 para 32](#)
- F11** Words inserted by [Rating and Valuation \(Amendment\) \(Scotland\) Act 1984 \(c. 31, SIF 103:2\)](#), s. 21, [Sch. 2 para. 15](#)
- F12** [S. 2\(4\)](#) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s.1(1), [Sch. 1 Pt. VII](#)

#### Modifications etc. (not altering text)

- C3** [S. 2](#) excluded by [Valuation and Rating \(Exempted Classes\) \(Scotland\) Act 1976 \(c. 64, S IF 103:2\)](#), s. 2(2)
- C4** [S. 2\(1\)](#) excluded by [S.I. 1983/120](#), [art. 4](#) and 1983/534, art. 3
- C5** [S. 2\(1\)\(d\)](#) explained by [Lands Valuation Amendment \(Scotland\) Act 1982 \(c. 57, SIF 103:2\)](#), s. 1(4)
- C6** [S. 2\(1\)\(2\)](#) modified by [S.I. 1979/951](#), [arts. 3](#), 10(a)
- C7** [S. 2\(1\)](#) modified (*retrospective* to 1.4.1990) by [S.I. 1991/915](#), [arts. 7](#), 9(2)
- C8** [S. 2\(1\)\(c\)](#) modified by [S.I. 1990/817](#), [arts. 9](#), 11(1), 1990/855, arts. 7, 9(1), 1991/915, arts. 7, 9(1) and (1990–1991) by [S.I. 1990/818](#), [arts. 7](#), 9(1), 1990/819, arts. 7, 9(1), 1990/820, arts. 5, 7(1), 1990/821, arts. 7, 9(1), 1990/822, arts. 6, 8(1), 1990/823, arts. 5, 7(1), 1990/836, arts. 7, 9(1), 1990/837, arts. 7, 9(1), 1990/838, arts. 6, 8(1), 1990/854, arts. 7, 9(1), 1990/856, arts. 6, 8(1), 1990/857, arts. 7, 9(1)
- C9** [S. 2\(1\)\(c\)](#): s. 2(1)(c) modified by [S.I. 1991/646](#), [art. 10\(1\)](#), 1991/647, art. 9(1), 1991/648, art. 9(1), 1991/649, art. 9(1).  
[S. 2\(1\)\(c\)](#) modified (*retrospective* to 1.4.1990) by [S.I. 1991/915](#), [arts. 7](#), 9(1)
- C10** [S. 2\(1\)\(d\)](#) modified by [S.I. 1990/817](#), [arts. 9](#), 11(2), 1990/855, arts. 7, 9(2) and (1990–1991) by [S.I. 1990/818](#), [arts. 7](#), 9(2), 1990/819, arts. 7, 9(2), 1990/821, arts. 7, 9(2), 1990/822, arts. 6, 8(2), 1990/836, arts. 7, 9(2), 1990/837, arts. 7, 9(2), 1990/838, arts. 6, 8(2), 1990/854, arts. 7, 9(2), 1990/856, arts. 6, 8(2), 1990/857, arts. 7, 9(2)
- C11** [S. 2\(1\)\(d\)](#): s. 2(1)(d) modified by [S.I. 1991/647](#), [art. 9\(2\)](#), 1991/648, art. 9(2), 1991/649, art. 9(2).

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- C12** S. 2(1)(f) modified by S.I. 1990/855, arts. 7, 9(3) and (1990–1991) by S.I. 1990/818, arts. 7, 9(3), 1990/819, arts. 7, 9(3), 1990/821, arts. 7, 9(3), 1990/822, arts. 6, 8(3), 1990/836, arts. 7, 9(3), 1990/837, arts. 7, 9(3), 1990/838, arts. 6, 8(3), 1990/854, arts. 7, 9(3), 1990/856, arts. 6, 8(3), 1990/857, arts. 7, 9(3)
- C13** S. 2(1)(g) modified by S.I. 1990/817, arts. 9, 11(3), 1990/855, arts. 7, 9(4) and (1990–1991) by S.I. 1990/818, arts. 7, 9(4), 1990/819, arts. 7, 9(4), 1990/820, arts. 5, 7(2), 1990/821, arts. 7, 9(4), 1990/822, arts. 6, 8(4), 1990/823, arts. 5, 7(2), 1990/836, arts. 7, 9(4), 1990/837, arts. 7, 9(4), 1990/838, arts. 6, 8(4), 1990/854, arts. 7, 9(4), 1990/856, arts. 6, 8(4), 1990/857, arts. 7, 9(4)
- C14** S. 2(1)(g): s. 2(1)(g) modified by S.I. 1991/646, art. 10(2), 1991/647, art. 9(3), 1991/648, art. 9(3), 1991/649, art. 9(3).
- C15** S. 2(2)(a) modified by S.I. 1990/817, arts. 9, 11(4), 1990/855, arts. 7, 9(5) and (1990–1991) by S.I. 1990/818, arts. 7, 9(5), 1990/819, arts. 7, 9(5), 1990/820, arts. 5, 7(3), 1990/821, arts. 7, 9(5), 1990/822, arts. 6, 8(5), 1990/823, arts. 5, 7(3), 1990/836, arts. 7, 9(5), 1990/837, arts. 7, 9(5), 1990/838, arts. 6, 8(5), 1990/854, arts. 7, 9(5), 1990/855, arts. 7, 9(5), 1990/856, arts. 6, 8(5), 1990/857, art. 9(5)
- C16** S. 2(2)(a): s. 2(2)(a) modified by S.I. 1991/646, art. 10(3), 1991/647, art. 9(4), 1991/648, art. 9(4), 1991/649, art. 9(4).  
S. 2(2)(a) modified (*retrospective* to 1.4.1990) by S.I. 1991/915, arts. 7, 9(3)

#### Marginal Citations

- M3** 1963 c. 12.  
**M4** 1970 c. 4.  
**M5** 1963 c. 12.

### 3 Provisions supplementary to sections 1 and 2.

- (1) The assessor shall, upon making an alteration in the valuation roll under section 1(6) or 2(1) or (3) of this Act [<sup>F13</sup>or upon deleting lands and heritages therefrom in pursuance of section 1(2) of the <sup>M6</sup>Valuation and Rating (Exempted Classes) (Scotland) Act 1976], send to the rating authority a copy of the relevant entry in the roll or, as the case may be, notification of deletion of the relevant lands and heritages from the roll.
- (2) The assessor for each valuation area shall send to each person who is a proprietor, tenant or occupier of lands and heritages which are included in the valuation roll a notice in the prescribed form setting forth the details of the relevant entry in the roll (including such an entry as is referred to in subsection (1) above other than an entry made under section 1(6)(e) or 2(1)(g) of this Act); and any such person, not being a person who has reached agreement with the assessor as mentioned in section 2(3) of this Act as to what should be done about the entry, if he considers himself aggrieved by the entry, may appeal to the valuation appeal committee for the area in which the lands and heritages are situated or may obtain redress without the necessity of such appeal by satisfying the assessor that he has a well founded ground of complaint.
- [<sup>F14</sup>(2A) Where a person becomes the proprietor, tenant or occupier of lands and heritages which are included in the valuation roll he shall thereupon have the same right of appeal under subsection (2) above as he would have had if there had been sent to him the notice referred to in that subsection, except that the last date for lodging an appeal by virtue of this subsection shall be the last day of a period of six months beginning with the day upon which the person became the proprietor, tenant or occupier and all other time limits prescribed under the Valuation Acts in that regard shall have effect accordingly.

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- (2B) The right of appeal conferred by subsection (2A) above may be exercised whether or not any previous proprietor, tenant or occupier of the lands and heritages had reached agreement with the assessor as mentioned in section 2(3) of this Act or had appealed or obtained redress under subsection (2) above.]
- (3) The assessor shall, upon altering the valuation roll by deleting lands and heritages therefrom, notify each person named in the roll as proprietor, tenant or occupier of those lands and heritages of the deletion.
- (4) Without prejudice to subsection (2) above, the proprietor, tenant or occupier of lands and heritages which are included in the valuation roll may at any time while the roll is in force appeal against the relevant entry but only on the ground that there has been a material change of circumstances since the entry was made or that there is such an error in the entry as is referred to in section 2(1)(f) of this Act; and, notwithstanding the definition of “material change of circumstances” as set out in section 37(1) of this Act, if in an appeal under this subsection on the ground of a material change of circumstances it is proved that there has been a change of circumstances which has materially reduced the extent to which beneficial occupation of the lands and heritages can be enjoyed, the appeal shall not be refused by reason only that the change of circumstances has not been proved to have affected the value of the lands and heritages to any specific extent.
- (5) Any person interested may at all reasonable times, free of charge, inspect and take copies of and extracts from any valuation roll prepared under the Valuation Acts and in the possession of the assessor; and an assessor shall, on an application made to him by any interested person, inform that person whether any entry in the valuation roll is subject to a pending appeal or complaint.

#### Textual Amendments

- F13** Words inserted by [Valuation and Rating \(Exempted Classes\) \(Scotland\) Act 1976 \(c. 64, SIF 103:2\)](#), **s. 1(3)**
- F14** [S. 3\(2A\)\(2B\)](#) inserted by [Rating and Valuation \(Amendment\) \(Scotland\) Act 1984 \(c. 31, SIF 103: 2\)](#), **s. 11**

#### Modifications etc. (not altering text)

- C17** [S. 3](#) extended by [S.I. 1983/120, art. 5](#) and [1983/534, art. 4](#)
- C18** [S. 3](#) extended by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), **s. 2(7)**, **Sch. 1 Pt. I para. 14**
- C19** [S. 3\(2\)](#) modified by [S.I. 1990/855, arts. 7, 9\(6\)](#) and (1990–1991) by [S.I. 1990/818, arts. 7, 9\(6\)](#), [1990/819, arts. 7, 9\(6\)](#), [1990/821, arts. 7, 9\(6\)](#), [1990/822, arts. 6, 8\(6\)](#), [1990/836, arts. 7, 9\(6\)](#), [1990/837, arts. 7, 9\(6\)](#), [1990/838, arts. 6, 8\(6\)](#), [1990/854, arts. 7, 9\(6\)](#), [1990/856, arts. 6, 8\(6\)](#), [1990/857, arts. 7, 9\(6\)](#)
- C20** [S. 3\(3\)](#) amended by [Rating \(Caravan Sites\) Act 1976 \(c. 15, SIF 103:2\)](#), **s. 4(1)**
- C21** [S. 3\(4\)](#) modified by [S.I. 1990/817, arts. 9, 11\(5\)](#), [1990/855, arts. 7, 9\(7\)](#) and (1990–1991) by [S.I. 1990/818, arts. 7, 9\(7\)](#), [1990/819, arts. 7, 9\(7\)](#), [1990/821, arts. 7, 9\(7\)](#), [1990/822, arts. 6, 8\(7\)](#), [1990/836, arts. 7, 9\(7\)](#), [1990/837, arts. 7, 9\(7\)](#), [1990/838, arts. 6, 8\(7\)](#), [1990/854, arts. 7, 9\(7\)](#), [1990/856, arts. 6, 8\(7\)](#), [1990/857, arts. 7, 9\(7\)](#)

#### Marginal Citations

- M6** [1976 c. 64.](#)

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VALID FROM 19/05/1997

### **[<sup>F15</sup>3A Assessor’s powers of entry for valuation purposes.**

The assessor shall be entitled at any reasonable time of the day, on giving not less than twenty-four hours previous notice in writing to the occupier, to enter, survey and value for the purposes of the Valuation Acts any lands and heritages within the area for which he acts as assessor, and if any person refuses to admit the assessor to enter any lands and heritages or obstructs him in making his survey or valuation he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

#### **Textual Amendments**

**F15** S. 3A inserted (19.5.1997) by 1997 c. 29, s. 33(1), **Sch. 3 para. 14**; S.I. 1997/1097, **art. 3(c)**

## **4 Valuation appeal committees.**

- (1) For the purpose of hearing and determining appeals and complaints under the Valuation Acts, a committee or committees, each of which is to be known as a valuation appeal committee, shall be constituted for each valuation area in accordance with a scheme (“the model scheme”) made by the Secretary of State.
- (2) A valuation appeal committee shall consist of members of a local valuation panel constituted in accordance with the model scheme and members of the panel shall be appointed by the sheriff after consultation with such persons as he thinks fit.
- (3) The model scheme may include provision with respect to—
  - (a) fixing the maximum and minimum number of members of a local valuation panel and the termination of their appointment;
  - (b) the appointment of—
    - (i) one of those members as chairman of the panel,
    - (ii) such number of members as the sheriff considers necessary as deputy chairmen thereof, and
    - (iii) a secretary and, if the sheriff considers it necessary, an assistant secretary or assistant secretaries of the panel;
  - (c) fixing the number of valuation appeal committees, the maximum and minimum number of members of such a committee and specifying the circumstances in which such maximum number may be exceeded;
  - (d) the manner in which members of a valuation appeal committee are to be selected from members of the panel;
  - (e) any other matter as appears to the Secretary of State to be necessary or expedient for the purpose of the administration of the model scheme in any valuation area.
- (4) The remuneration and allowances to be paid to the secretary and any assistant secretary of the panel and their conditions of employment shall be such as may be agreed between the valuation authority and the sheriff or, failing agreement, as may be determined by the Secretary of State.

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- (5) All expenses incurred by a local valuation panel or a valuation appeal committee shall be defrayed by the valuation authority.
- (6) All members of a local valuation panel shall reside or be engaged in business or be employed in the valuation area; and no person appointed as the secretary or an assistant secretary of a panel shall be an officer of a local authority or shall by himself or by any partner or assistant appear before a valuation appeal committee for that area.
- (7) A valuation authority may pay reasonable subscriptions, whether annually or otherwise, to the funds of any association of members or officers of local valuation panels or valuation appeal committees formed for the purpose of consultation as to the common interests of those panels or committees and the discussion of matters relating to valuation.
- [<sup>F16</sup>(7A) There shall be paid to members of a valuation appeal committee and to members of a local valuation panel such allowances as may be determined by the Secretary of State.]
- (8) The model scheme shall be contained in an order and the scheme may with the consent of the Secretary of State be varied as respects any valuation area by the valuation authority; and a statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) The provisions of the Valuation Acts with regard to appeals and complaints shall, with any necessary modifications, apply to a committee constituted under this section in like manner as they applied before 16th May 1957 to a court of appeal constituted under those Acts.
- (10) In this section “sheriff” means the sheriff principal and, in the case of a valuation area situated in more than one sheriffdom, means the sheriff principal of such one of those sheriffdoms as the Secretary of State may direct.

#### Textual Amendments

**F16** S. 4(7A) inserted (*prosp.*) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), ss. 194(1), 195(2), [Sch. 11 para. 43](#)

## 5 Valuation of public undertakings.

- (1) The Assessor shall—
- (a) in respect of each year of revaluation value or revalue all lands and heritages which he is required under any enactment to value;
  - (b) value any lands and heritages which—
    - (i) were in existence when he made his valuation under paragraph (a) above and which, owing to error, were not included in that valuation and which he is required under any enactment to value,
    - (ii) have come into existence since he made his valuation under paragraph (a) above and which he is required under any enactment to value,
    - (iii) were in existence when he made his valuation under paragraph (a) above but which by or under an enactment have first fallen to be valued by the Assessor since he made such valuation;
  - (c) .....

F17



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- (2) The Assessor shall direct the assessor for any valuation area (“the local assessor”) containing any lands and heritages which the Assessor has valued or revalued under subsection (1) above to enter those lands and heritages in the valuation roll:

Provided that, where by reason of a material change of circumstances or in consequence of the making of an order under section 10(2) of the<sup>M7</sup> Local Government (Financial Provisions) (Scotland) Act 1963 [<sup>F18</sup>or the doing of anything under Schedule 2 to the Local Government (Scotland) Act 1966 (valuation of water undertakings) or under any order under section 6 of the Act] there has been an alteration in the rateable value of any lands and heritages referred to in this subsection after they have been entered in the valuation roll, the Assessor shall give a further direction to the local assessor to enter the altered value of such lands and heritages in the valuation roll.

- (3) Any direction under this section shall state the rateable value of the lands and heritages to which it relates and give such other particulars as may be prescribed.

- (4) Any entry made in the valuation roll—

- (a) where the valuation has been made under subsection (1)(b)(i) . . . <sup>F19</sup> above, shall have effect only as from the beginning of the year in which the entry is made;
- (b) where the valuation has been made under subsection (1)(b)(ii) . . . <sup>F19</sup> above, shall have effect only as from the date when the lands and heritages to which the entry relates came into existence or as from the beginning of the year in which the entry is made, whichever is the later;
- (c) where the valuation has been made under subsection (1)(b)(iii) . . . <sup>F19</sup> above, shall have effect only as from the coming into effect of the enactment by or under which the Assessor is required to value the lands and heritages, or as from the beginning of the year in which the entry is made, whichever is the later;
- (d) in pursuance of a further direction given under the proviso to subsection (2) above, shall have effect only as from the date of the event by reason of which the further direction is given or as from the beginning of the year in which such direction is given, whichever is the later.

- (5) Without prejudice to section 24 of the<sup>M8</sup> Lands Valuation (Scotland) Act 1854 (appeal against valuation as contained in direction) and subject to section 26 of that Act (right of appeal to be forfeited where refusal to answer call by Assessor for books and writings, etc.), the proprietor, tenant or occupier of lands and heritages which are included in the valuation roll in consequence of a direction under this section may at any time while the roll is in force appeal to the Lands Valuation Appeal Court against the entry in the roll but only on the ground that there has been a material change of circumstances affecting the value of the lands and heritages since the entry was made:

Provided that appeal under this subsection shall be competent only where the proprietor, tenant or occupier has given notice in writing to the Assessor before lodging the appeal of the material change of circumstances.

- (6) Notwithstanding anything in any enactment, no person may complain or appeal to a valuation appeal committee against an entry in the valuation roll made in consequence of a direction under this section.
- (7) The Secretary of State may make regulations providing for—

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- (a) the payment of remuneration, pensions, allowances, gratuities to, or transfer values in respect of, the Assessor and his clerks and other officers, and the manner in which such payment is to be financed;
  - (b) the terms and conditions of employment of the Assessor and his clerks and other officers;
  - (c) the amendment or repeal, with or without savings, of any enactment which is inconsistent with or superseded by the regulations.
- (8) A statutory instrument containing regulations under subsection (7) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F17** S. 5(1)(c) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. VII**
- F18** Words inserted by Rating and Valuation (Amendment) (Scotland) Act 1984 (c. 31, SIF 103:2), s. 21, **Sch. 2 para. 16**
- F19** Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. VII**

#### Modifications etc. (not altering text)

- C22** S. 5 modified by S.I. 1978/1173, **art. 7**, 1978/1174, art. 8, 1978/1175, art. 8, 1978/1176, art. 8 and 1979/951, arts. 3, 10(a)
- C23** S. 5(2) excluded by Valuation and Rating (Exempted Classes) (Scotland) Act 1976 (c. 64, SIF 103:2), **s. 2(2)**

#### Marginal Citations

- M7** 1963 c. 12.
- M8** 1854 c. 91.

### [<sup>F20</sup>6 Valuation by formula of certain lands and heritages.

[ In the case of such lands and heritages as may be prescribed or of any class or <sup>F21</sup>(1) description of such lands and heritages as may be prescribed, the Secretary of State may by order provide that their rateable values or the aggregate amount of their rateable values shall be—

- (a) such as is prescribed; or
- (b) such as is determined in accordance with prescribed rules.]

[ The Secretary of State may by order provide that the non-domestic water rate shall <sup>F22</sup>(1A) not be leviable in respect of formula valued lands and heritages or of such formula valued lands and heritages or of such class or description of formula valued lands and heritages as may be prescribed for the purposes of this subsection.

In this subsection, “formula valued lands and heritages” are lands and heritages which have, or lands and heritages of a class or description which has, been prescribed for the purposes of subsection (1) above.]

(2) A rateable value or aggregate amount—

- (a) prescribed under; or
- (b) determined by virtue of,

an order under this section may be apportioned among local authorities in such manner as may be specified in the order.

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- (3) An order under this section applying to any lands and heritages or any class or description of such lands and heritages may provide for—
- (a) determining a rateable value or aggregate amount by the application of different methods of valuation;
  - (b) apportioning a rateable value or aggregate amount by the application of different manners of apportionment, to different parts of the lands and heritages.
- (4) Before making an order under this section the Secretary of State shall consult with such associations of local authorities, or of persons carrying on undertakings, as appear to him to be concerned and with any local authority, person or association of persons with whom consultation appears to him to be desirable.
- (5) An order under this section may—
- (a) repeal or amend any enactment so far as that enactment relates to—
    - (i) the valuation of;
    - (ii) the levying or payment of rates in respect of;
    - (iii) the making of payments in lieu of rates in respect of, lands and heritages to which the order relates;
  - (b) repeal or amend any enactment so far as that repeal or amendment is incidental or consequential to a repeal or amendment in terms of paragraph (a) above; and
  - (c) as regards such lands and heritages apply, restrict or modify the enactments relating to appeals or complaints in connection with the valuation roll.
- (6) An order under this section may provide that the order shall have effect as from the beginning of the year in which the order is made.
- (7) An order under this section shall not be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.]

#### Textual Amendments

**F20** S. 6 substituted by [Local Government \(Scotland\) Act 1978 \(c. 4, SIF 81:2\)](#), s. 1

**F21** S. 6(1) substituted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1\)](#), s. 137, **Sch. 12 Pt. II para. 11**

**F22** S. 6(1A) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), s. 145, **Sch. 6 para. 18**

### Rating

#### 7 Levying of rates.

- (1) Subject to the provisions of any other enactment, every rate levied by a rating authority for any year shall be levied in respect of all lands and heritages within the area to which the rate relates according to the rateable value of the lands and heritages as appearing in the valuation roll in force at the beginning of the year in respect of which the rate is levied:

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Provided that where during any year the valuation roll has been altered under section 2 of this Act by inserting a new entry therein or altering an existing entry, the rate levied for the year or the part of the year after such alteration takes effect shall be according to the rateable value of the lands and heritages concerned as appearing in such new or altered entry.

- [<sup>F23</sup>(1A) References in subsection (1) above to “rateable value” include the apportioned rateable value of part residential subjects and, in the case of the non-domestic water rate, the net annual value and the apportioned net annual value of part residential subjects [<sup>F24</sup>, and references in this subsection to an apportioned value of part residential subjects are references to that part of that value which is shown in the apportionment note as relating to the non-residential use of the subjects,].]
- (2) Save as provided in any other enactment, every rate levied upon occupiers of lands and heritages within the area to which the rate relates shall be at a uniform amount per pound.

#### Textual Amendments

**F23** S. 7(1A) inserted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), s. 6, [Sch. 1 Pt. III para. 32](#)

**F24** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), s. 145, [Sch. 6 para. 6](#)

#### Modifications etc. (not altering text)

**C24** S. 7 modified by S.I. 1975/930, regs. 2, 3, [Sch.](#) and [Water \(Scotland\) Act 1980 \(c. 45, SIF 130\)](#), s. 48(1)

**C25** S. 7 extended by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), s. 25(2), [Sch. 5 Pt. II para. 22\(c\)](#)

**C26** Ss. 7, 8, 9, 10 applied and power to modify conferred (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 107(1), [Sch. 11 Pt. II para. 23\(c\)](#) (with s. 118(1)(2)(4))

VALID FROM 01/10/1992

#### [7A <sup>F25</sup>Provisions as to setting of non-domestic rates.

- (1) The Secretary of State shall, in respect of the financial year 1993-94 and each subsequent financial year, prescribe for each local authority a rate which shall be their non-domestic rate in respect of that year.
- (2) Non-domestic rates shall be levied in accordance with section 7 of this Act by each rating authority in respect of lands and heritages—
  - (a) which are subjects (other than part residential subjects) in respect of which there is an entry in the valuation roll, according to their rateable value or, where a rateable value has been prescribed or determined in respect of the lands and heritages under section 128 of the <sup>M9</sup>Local Government Finance Act 1988, according to that rateable value; or
  - (b) which are part residential subjects, according to that part of their rateable value which is shown in the apportionment note as relating to the non-residential use of those subjects or, where a rateable value has been prescribed or determined in respect of the lands and heritages under

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section 128 of the <sup>M10</sup>Local Government Finance Act 1988, according to that part of that rateable value which is so shown in the apportionment note.

- (3) The rates prescribed under subsection (1) above shall be known—
- (a) in the case of the regional council, as the non-domestic regional rate;
  - (b) in the case of the district council, as the non-domestic district rate; and
  - (c) in the case of the islands council, as the non-domestic islands rate.
- (4) References (however expressed) in any enactment to the non-domestic rate determined by a local authority shall be construed as references to the non-domestic rate prescribed for the local authority under this section.
- (5) A statutory instrument containing any order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F25** S. 7A inserted (1.10.1992) by **Local Government Finance Act 1992 (c. 14)**, **s.110(1)** (with s. 118(1)(2) (4)); S.I. 1992/2183, **art. 2(a)** (with art. 3).

#### Marginal Citations

**M9** 1988 c. 41.

**M10** 1988 c. 9.

VALID FROM 31/03/1995

#### [7B] <sup>F26</sup>Provisions as to setting of non-domestic rates.

- (1) The Secretary of State shall, in respect of the financial year following that in which this subsection comes into force and each subsequent financial year, prescribe a rate which shall be the non-domestic rate to be levied throughout Scotland in respect of that financial year.
- (2) Subject to subsection (3) below, non-domestic rates shall be levied in accordance with section 7 of this Act by each rating authority in respect of lands and heritages in their area, being lands and heritages—
- (a) which are subjects (other than part residential subjects) in respect of which there is an entry in the valuation roll, according to their rateable value or, where a rateable value has been prescribed or determined in respect of the lands and heritages under section 128 of the <sup>M11</sup>Local Government Finance Act 1988, according to that rateable value; or
  - (b) which are part residential subjects, according to that part of their rateable value which is shown in the apportionment note as relating to the non-residential use of those subjects or, where a rateable value has been prescribed or determined in respect of the lands and heritages under section 128 of the Local Government Finance Act 1988, according to that part of that rateable value which is so shown in the apportionment note.
- (3) In the application of section 7 of this Act to the levying of the non-domestic rate prescribed under this section, for the words “to which the rate relates” in each of

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subsections (1) and (2) of that section there shall be substituted the words “of the rating authority”.

- (4) References (however expressed) in any enactment to the non-domestic rate determined by a local authority shall be construed as references to the non-domestic rate prescribed under this section.
- (5) A statutory instrument containing any order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F26** S. 7B substituted (31.3.1995) for s. 7A by [Local Government Finance Act 1992 \(c. 14\)](#), [ss.110\(2\)](#), [119\(2\)\(a\)](#) (with [s. 118\(1\)\(2\)\(4\)](#)) (which s. 7A was inserted by [Local Government Finance Act 1992 \(c. 14\)](#), [s. 110\(1\)](#)); [S.I. 1994/3152](#), [arts 2, 4](#)

#### Marginal Citations

**M11** [1988 c. 41](#).

## 8 Payment of rates by instalments.

- (1) Subject to subsections (3)(b) and (7) to (9) below, the rates chargeable for any year in respect of lands and heritages shall be payable by monthly instalments during the year in accordance with subsections (2) to (6) below.
- (2) Subject to subsection (3) below, in any case where the rates chargeable for a year are payable in accordance with subsection (1) above, those rates shall be payable by ten instalments beginning in the second month and ending in the penultimate month of the year.
- (3) Where any person is liable for rates in respect of the occupation of lands and heritages for part only of a year or where for any other reason [<sup>F27</sup>a] demand note for any rates in respect of lands and heritages is not issued until after the end of the first month of the year, and, in either case, those rates are payable in accordance with subsection (1) above, then—
  - (a) if the demand note for the rates is issued before the beginning of the last quarter of the year, the rates shall be payable by instalments beginning in the month following that in which the demand note is issued and ending in the penultimate month of the year; and
  - (b) in any other case, the rates shall be payable in full in the month following that in which the demand note for the rates is issued.
- (4) Where any rates payable by any person in respect of lands and heritages for a year are payable by monthly instalments in accordance with subsection (1) above then, apart from any remission of rates on the ground of poverty or inability to pay granted under section 244 of the Act of 1947 or any rate rebate granted under [<sup>F28</sup>section 28(1)(a) of the the Social Security and Housing Benefits Act 1982 (whether or not modified under section 30(1)(a) of that Act)] and subject to subsection (6) below, each of those instalments shall be of the same amount except that the rating authority may round off the amount of any of those instalments other than either the first or the last to the nearest 5p and adjust the amount of the first or, as the case may be, the last of those instalments accordingly.

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- (5) Except in a case falling within subsection (3)(b) above, there shall be included in or sent with every demand note for rates which are payable in accordance with subsection (1) above a statement specifying the total rates due for the year, the dates on which the monthly instalments of the rates are payable and the amount of each instalment.
- (6) Where, after sending the statement referred to in subsection (5) above, the rating authority are satisfied that there has been, or may be, any change in the amount any person is, or will be, liable to pay by way of rates in respect of the lands and heritages in question for the balance of the year to which the statement relates, the rating authority may by a further statement in writing make such adjustments as they think necessary in the amounts of the remainder of the instalments to which the statement referred to in subsection (5) above relates.
- (7) The rates shall not be payable in accordance with subsection (1) above in the case of any person who—
- (a) has entered into an agreement with the rating authority to pay the rates otherwise than in accordance with that subsection; or
  - (b) is liable under any enactment to pay the rates to any person or authority other than the rating authority.
- [<sup>F29</sup>(7A) In any case where a demand note for rates, chargeable for a year or part only of a year, is for an amount (after any remission, rebate or other deduction to which the rate is subject) less than the prescribed sum the rates shall not be payable in accordance with subsection (1) above but shall be payable in full on or before the date specified by the rating authority in the demand note.
- (7B) In subsection (7A) above, “the prescribed sum” means £20 or such lesser sum as the rating authority may fix.
- (7C) The Secretary of State may by order, made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, amend subsection (7B) above by substituting for the amount for the time being specified in that subsection such other amount as appears to him to be justified.]
- (8) If any person liable to pay rates for a year in accordance with subsection (1) above has not, after the expiry of six months of that year, paid an amount, in respect of the occupation of lands and heritages from the beginning of that year, which is equal to at least the sum of four monthly instalments, he shall be liable to pay the rates in full for the year or, as the case may be, the balance of the year forthwith.
- (9) If any person liable to pay rates for a year in accordance with subsection (1) above is, at any time after the expiry of six months of that year, in arrears in the payment of not less than two monthly instalments, he shall be liable to pay the rates in full for the balance of the year forthwith.

#### Textual Amendments

**F27** Word substituted by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), [Sch. 3 para. 33](#)

**F28** Words substituted by the [Social Security and Housing Benefits Act 1982 \(c.24, SIF 113: 1\)](#), [Sch. 4 para. 19.](#); it was then provided by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 68, [Sch. 10 para. 49\(a\)](#) that for the words “ a scheme made under section 28(1)(a) of the the Social Security and Housing Benefits Act 1982 (whether or not modified under section 30(1)(a) of that Act)” there should

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be substituted “the housing benefit scheme (whether or not modified under section 28 of the Social Security Act 1986)”

**F29** S. 8(7A)—(7C) inserted by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2), **ss. 7, 13**

**Modifications etc. (not altering text)**

**C27** S. 8 modified by S.I. 1975/930, regs. 2, 3, **Sch.** and Water (Scotland) Act 1980 (c. 45, SIF 130), **s. 48(1)**

**C28** S. 8 extended by Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47, SIF 81:2, 130:2), s. 25(2), **Sch. 5 Pt. II para. 22(c)**

**C29** Ss. 7, 8, 9, 10 applied and power to modify conferred (6.3.1992) by Local Government Finance Act 1992 (c. 14), s. 107(1), **Sch. 11 Pt. II para. 23(c)** (with s. 118(1)(2)(4)).

**9 Restriction on rates payable when valuation appeal is pending.**

[<sup>F30</sup>(1) Notwithstanding that an appeal under the Valuation Acts is pending with respect to any lands and heritages the rates levied on those lands and heritages shall be payable in accordance with section 8 of this Act.]

- (2) On the determination of the appeal referred to in subsection (1) above, the difference, if any, between the amount paid by virtue of that subsection and the amount which would have been payable on the rateable valuation as determined in the appeal shall—
- (a) if an overpayment has been made, be repaid by the rating authority, and
  - (b) if an underpayment has been made, be recovered by the rating authority as if it were arrears of rates due and payable to them.

**Textual Amendments**

**F30** S. 9(1) substituted by Local Government Finance Act 1988 (c. 41, SIF 81:1), s. 137, **Sch. 12 Pt. II para. 12(1)(2)**

**Modifications etc. (not altering text)**

**C30** S. 9 modified by S.I. 1975/930, regs. 2, 3, **Sch.** and Water (Scotland) Act 1980 (c. 45, SIF 130), **s. 48(1)**

**C31** S. 9 excluded by S.I. 1987/345, **art. 4(2)** and by S.I. 1988/114, **reg. 4(2)**

**C32** S. 9 extended by Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47, SIF 81:2, 130:2), s. 25(2), **Sch. 5 Pt. II para. 22(c)**

**C33** Ss. 7, 8, 9, 10 applied and power to modify conferred (6.3.1992) by Local Government Finance Act 1992 (c. 14), s. 107(1), **Sch. 11 Pt. II para. 23(c)** (with s. 118(1)(2)(4)).

[<sup>F31</sup>**9A Interest on rates paid in error.**

- (1) Where any amount, in excess of such limit as may be prescribed, has been paid in error to a rating authority in respect of rates and the rating authority repays the amount the rating authority shall also pay to the person to whom the repayment is made interest on the amount at such rate as may be determined in accordance with subsection (3) below.
- (2) No payment of interest under subsection (1) above shall be made after the end of the sixth year after that in respect of which the amount was paid in error unless application for repayment was made before that time.
- (3) The rate of interest referred to in subsection (1) shall be such rate—



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- (a) as the Secretary of State may prescribe; or
- (b) as is to be determined in such manner as he may prescribe,
- and regulations made under this subsection may not make provision for a rate of interest in respect of any period before the regulations come into force.
- (4) Subsections (1), (2) and (3) above shall apply to the repayment of the amount of an overpayment which a rating authority is required to repay under section 9(2) of this Act as they apply to the repayment of an amount referred to in the said subsection (1).
- (5) This section shall not require the payment of interest in respect of any period before the commencement of paragraph 13 of Schedule 12 to the Local Government Finance Act 1988; and subsection (4) above shall not have effect in relation to any repayment in consequence of an appeal which was lodged before such commencement.]

#### Textual Amendments

**F31** S. 9A inserted by Local Government Finance Act 1988 (c. 41, SIF 81:1), s. 137, **Sch. 12 Pt. II para. 13**

### 10 Collection of rates by housing body on behalf of rating authority.

- (1) A rating authority may make arrangements with any housing body within their area on such terms and conditions as may be agreed between them or, failing agreement, as may be determined by the Secretary of State, for the collection by the housing body of the rates levied by the rating authority on the occupiers of lands and heritages let by the housing body; and where such arrangements are made the rates shall be payable to the housing body by instalments along with payments of rent.
- (2) Where a rating authority wish to make arrangements with a housing body under subsection (1) above but the housing body have not agreed to enter into the arrangements, the Secretary of State may by order, made after consultation with the rating authority and the housing body, provide that the rating authority and the housing body shall make such arrangements in accordance with that subsection.
- (3) A statutory instrument containing an order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In this section “housing body” means any authority to which section 118 of the Act of 1973 applies, a development corporation or the Scottish Special Housing Association.

#### Modifications etc. (not altering text)

- C34** S. 10 extended by Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47, SIF 81:2, 130:2), s. 25(2), **Sch. 5 Pt. II para. 22(c)**
- C35** S. 10 modified by S.I. 1975/930, regs. 2, 3, **Sch.** and Water (Scotland) Act 1980 (c. 45, SIF 130), s. 48(1)
- C36** Ss. 7, 8, 9, 10 applied and power to modify conferred (6.3.1992) by Local Government Finance Act 1992 (c. 14), s. 107(1), **Sch. 11 Pt. II para. 23(c)** (with s. 118(1)(2)(4)).

### 11 Assessment roll.

For section 233 of the Act of 1947 there shall be substituted the following section—

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### “233 Assessment roll.

- (1) Every rating authority shall make up and maintain in such form as may be convenient a roll called “the assessment roll” containing such information as the authority require for the purpose of collecting every rate levied by the authority:

Provided that the Secretary of State may by regulations made under section 111 of the Local Government (Scotland) Act 1973 prescribe information which the assessment roll shall contain if at any time he considers this necessary.

- (2) The assessment roll shall at all reasonable times be open to inspection by any person interested in or liable to pay any rate to which the roll relates, and any such person may take extracts therefrom without the payment of any fee.
- (3) The rating authority may, at any time before the expiration of one year after the end of the year in respect of which any rate is levied, amend the assessment roll by inserting therein the name of any person who ought to have been entered therein as liable in the rate or who since the making up of the roll has become so liable, or by striking out the name of any person who according to a written certificate by the assessor under the Valuation Acts ought not to have been so entered, or by correcting the amount of any value or rate which may have been inaccurately entered, and any such amendment shall not vitiate or render it less operative.
- (4) The production of the assessment roll shall be received as sufficient evidence of the making and validity of the rates therein mentioned.”

#### **Modifications etc. (not altering text)**

**C37** The text of ss. 11, 12, 17–19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *Grants*

## **12 Rate support grants.**

The provisions of the Act of 1966 relating to rate support grants shall have effect subject to the amendments specified in Schedule 2 to this Act.

#### **Modifications etc. (not altering text)**

**C38** The text of ss. 11, 12, 17–19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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### 13 Removal of limit on contributions to local authorities under Rural Water Supplies and Sewerage Act 1944.

- (1) The limit of £60 million which by subsection (5) of section 1 of the <sup>M12</sup>Rural Water Supplies and Sewerage Act 1944 is imposed on the amount of the contributions which may be made under that section out of money provided by Parliament towards the expenses of local authorities in Scotland in respect of rural water supplies and sewerage is hereby removed; and accordingly for that subsection there shall be substituted the following subsection:—

“(5) Any contributions made under this section shall be defrayed out of money provided by Parliament.”

- (2) In subsection (1) above references to subsection (5) of section 1 of the said Act of 1944 are references to that subsection as applied to Scotland by section 7 of that Act.

#### Marginal Citations

M12 1944 c. 26.

### 14 Termination of certain existing grants for roads and public transport.

- (1) Subject to subsection (3) below, on and after 16th May 1975 the power of the Secretary of State—

- (a) ..... <sup>F32</sup>
- (b) to make grants to a local authority under [<sup>F33</sup>subsection (3) of section 34] of the <sup>M13</sup>Transport Act 1968 (towards expenditure incurred in making grants to provide assistance for rural bus or ferry services) [<sup>F33</sup> or under subsection (4) of that section (towards expenditure incurred] in the provision of such ferry services), and
- (c) to make grants to any person under section 56(1) of the Transport Act 1968 (towards capital expenditure incurred or to be incurred in the provision, improvement or development of facilities for public passenger transport),

shall cease to be exercisable except in a case where it appears to the Secretary of State that the whole or any part of any expenditure in respect of which any such advances or grants as aforesaid could be made should not fall on the . . . <sup>F34</sup>, local authority or person concerned, as the case may be.

- (2) As from the beginning of the year 1978-79 the power of the Secretary of State to make grants to a Passenger Transport Executive under section 20(8) of the <sup>M14</sup>Transport Act 1968 (towards expenditure incurred by the Executive for certain areas in pursuance of agreements with the Railways Board for the provision of railway passenger services) shall cease to be exercisable, except in a case where it appears to the Secretary of State that the whole or any part of any expenditure in respect of which any such grants as aforesaid could be made should not fall on the Passenger Transport Executive.
- (3) In any case where—
- (a) it appears to the Secretary of State that any person other than a local authority has before 16th May 1975 entered upon a course of expenditure of a capital nature such as is referred to in section 56(1) of the Transport Act 1968, and
- (b) the Secretary of State has approved before 16th May 1975 the making of a grant or grants towards that expenditure under that section,

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then, notwithstanding anything in subsection (1) above, the Secretary of State may, on or after 16th May 1975, make to that person under that section any grant which he considers appropriate in the light of that approval.

#### Textual Amendments

- F32** S. 14(1)(a) repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), [Sch. 11](#)
- F33** Words substituted by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), [Sch. 3 para. 34](#)
- F34** Words repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), [Sch. 11](#)

#### Marginal Citations

- M13** 1968 c. 73.
- M14** 1968 c. 73.

### 15 Termination of certain existing grants to local authorities for certain other purposes.

- (1) The Secretary of State may from time to time, by order, provide that, with effect from such year as may be specified in the order, no grant shall be paid under any such local authority grant provision as may be so specified or that no grant shall be so paid except in respect of expenditure of a description so specified.
- (2) In subsection (1) above “local authority grant provision” means an enactment providing for the payment of grants to local authorities in respect of expenditure incurred in connection with a specific function.
- (3) An order under this section may contain provision amending, repealing or revoking, with or without savings, any enactment.
- (4) No order under this section shall have effect unless it is approved by a resolution of each House of Parliament.

VALID FROM 01/04/1995

#### <sup>F35</sup>15A Direct Labour Organisation/ Direct Services Organisation Accounts.

- (1) A local authority may establish, in accordance with the provisions of this section, Direct Labour Organisation/Direct Services Organisation Funds (to be known as “DLO/DSO funds”) for the purpose of dealing with surpluses and deficits which may occur in respect of—
  - (a) any revenue account kept by the authority under section 10(1) (accounts relating to construction or maintenance work) of the <sup>M15</sup>Local Government, Planning and Land Act 1980; or
  - (b) any account kept by the authority under section 9(2) (accounts) of the <sup>M16</sup>Local Government Act 1988.
- (2) Any interest earned on money transferred to a reserve fund established under subsection (1) above may be credited to that fund.
- (3) Any surplus credited to a fund established under subsection (1) above and which is, in the opinion of the authority, not required for the purpose of dealing with deficits in

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any such fund, may be transferred by them to the general fund maintained by them under section 93 of the Act of 1973 (general fund).

- (4) This section is without prejudice to any specific limitation imposed by or under any enactment as to the manner in which money may be paid into or out of any specific account.]

#### Textual Amendments

**F35** S. 15A inserted (1.4.1995) by 1994 c. 39, s. 168(1) (with s. 128(2)); S.I. 1995/702, art. 3(b) (subject to saving and transitional provision in art. 8)

#### Marginal Citations

**M15** 1980 c. 65.

**M16** 1988 c. 9.

### Miscellaneous Financial Provisions

#### 16 Borrowing and lending by local authorities and certain other bodies and certain of their funds.

Schedule 3 to this Act shall . . . <sup>F36</sup> have effect with respect to the powers of local authorities, joint boards, water development boards and river purification boards to borrow and lend money and with respect to certain of their funds.

#### Textual Amendments

**F36** Words repealed by Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47, SIF 81:2), s. 34, Sch. 6

#### 17 Remuneration and expenses of members of Commission for Local Authority Accounts.

Schedule 8 to the Act of 1973 (provisions as to the Commission for Local Authority Accounts in Scotland) shall have effect as if after paragraph 3 there were inserted the following paragraph—

“3A There may be paid to any member of the Commission out of their funds such salary or fees and allowances as may be approved by the Secretary of State.”.

#### Modifications etc. (not altering text)

**C39** The text of ss. 11, 12, 17–19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**18 Financial year of local authorities.**

For subsection (5) of section 96 of the Act of 1973 there shall be substituted the following subsections—

“(5) The financial year of a local authority shall be the period of twelve months ending with 31st March, so however that for the purposes of subsections (2) to (4) above, the first financial year of any local authority shall be the period beginning with the date on which the authority came into existence in accordance with the provisions of this Act and ending 31st March 1976 ; and references in this Act, and in any other enactment (whether passed or made before or after the passing of this Act) to the financial year of a local authority shall be construed in accordance with the provisions of this subsection.

(6) The Secretary of State may by order make provision amending, repealing or revoking, with or without savings, any enactment which is inconsistent with or superseded by subsection (5) above ; but no order under this subsection shall have effect unless it is approved by a resolution of each House of Parliament.”.

**Modifications etc. (not altering text)**

**C40** The text of ss. 11, 12, 17–19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**19 Amendment of section 201 of Act of 1947.**

Section 201 of the Act of 1947 (power of Secretary of State to disallow illegal payments and surcharge on interim report of auditor), shall have effect as if in subsection (1) after proviso (e) there were inserted the following proviso—

“(f) The Secretary of State, in the case of an interim report received by him after 1st September 1973, shall have regard to all the circumstances of the case, including such information as may be available to him as to the means of any person against whom a surcharge might be made under this subsection and the ability of that person to pay the surcharge, and may thereafter, if he thinks fit, abstain from making the surcharge in whole or in part.”.

**Modifications etc. (not altering text)**

**C41** The text of ss. 11, 12, 17–19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**20** ..... **F37**

**Textual Amendments**

**F37** S. 20 repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), [Sch. 11](#)

**Status:**

Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government (Scotland) Act 1975, Part I.