



Local Government and Rating Act 1997

1997 CHAPTER 29

An Act to make further provision about non-domestic rating; to make further provision about parishes and parish councils; to confer additional powers on parish councils and community councils; and for connected purposes. [19th March 1997]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

NON-DOMESTIC RATING

England and Wales

1 General stores etc. in rural settlements.

The ^{M1}Local Government Finance Act 1988 (referred to in this Part as “the 1988 Act”) is amended as set out in Schedule 1 (which provides for mandatory or discretionary relief from non-domestic rates for certain hereditaments in rural settlements).

Marginal Citations

M1 1988 c. 41.

2 Sporting rights.

(1) Part III of the 1988 Act is amended as set out in subsections (2) to (6) (which provide for the abolition of liability to non-domestic rating in respect of sporting rights).

Status: Point in time view as at 01/04/2002.

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- (2) In section 64(4) (relevant hereditaments), paragraph (d) (rights of sporting severed from occupation of land) is omitted.
- (3) In section 65 (owners and occupiers of hereditaments or land)—
 - (a) in subsection (3), for “subsections (4) to (9) below” there is substituted “ the following provisions of this section ”, and
 - (b) subsection (9) (owners and occupiers of rights of sporting) is omitted.
- (4) In Schedule 5 (hereditaments exempt from local non-domestic rating), paragraphs 10 (certain fishing rights) and 14(3) (fishing and shooting rights of drainage authorities) are omitted.
- (5) In Schedule 6 (rateable value of non-domestic hereditaments), after paragraph 2B there is inserted—

“2C (1) This paragraph applies where—

- (a) a hereditament consists wholly or in part of land on which a right of sporting is exercisable; and
- (b) the right is not severed from the occupation of the land.

(2) For the purposes of determining the rateable value of the hereditament under paragraph 2 above, the rent at which the hereditament might reasonably be expected to let shall be estimated as if the right of sporting did not exist.

(3) In this paragraph “right of sporting” means a right of fowling, shooting, taking or killing game or rabbits, or fishing.”

- (6) In paragraph 3 of Schedule 6 (alternative rules for determination of rateable value of certain hereditaments), in sub-paragraphs (1)(a) and (2)(a), for “2B” there is substituted “ 2C ”.

3 **Crown property.**

After section 65 of the 1988 Act there is inserted—

“65A Crown property.

- (1) This Part applies to the Crown as it applies to other persons.
- (2) Accordingly, liability to a non-domestic rate in respect of a hereditament is not affected by the fact that—
 - (a) the hereditament is occupied by the Crown or by a person acting on behalf of the Crown or is used for Crown purposes, or
 - (b) the Crown or a person acting on behalf of the Crown is the owner of the hereditament.
- (3) If (apart from this subsection) any property would consist of two or more Crown hereditaments, the property is to be treated for the purposes of this Part as if it were a single hereditament occupied by such one of the occupiers as appears to the billing authority to occupy the largest part of the property.
- (4) In this section, “Crown hereditament” means a hereditament which—

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- (a) is occupied by a Minister of the Crown or Government department or by any officer or body exercising functions on behalf of the Crown, but
 - (b) is not provided or maintained by a local authority or by a police authority established under section 3 of the ^{M2}Police Act 1996.
- (5) In this section—
- (a) references to this Part include any subordinate legislation (within the meaning of the ^{M3}Interpretation Act 1978) made under it, and
 - (b) “local authority” has the same meaning as in the ^{M4}Local Government Act 1972, and includes the Common Council of the City of London.
- (6) The Secretary of State may by order amend subsection (4)(b) above so as to alter the persons for the time being referred to there.
- (7) Subsection (3) above does not affect the power conferred by section 64(3) above”.

Marginal Citations

- M2** 1996 c. 16.
- M3** 1978 c. 30.
- M4** 1972 c. 70.

4 Visiting forces etc.

In Schedule 5 to the 1988 Act (hereditaments exempt from non-domestic rating), after paragraph 19 there is inserted—

Visiting forces etc.

“19A (1) A hereditament is exempt to the extent that it consists of property which is occupied for the purposes of a visiting force, or a headquarters, in pursuance of arrangements made in that behalf with any Government department.

(2) In this paragraph—

“headquarters” means an international headquarters or defence organisation designated by an Order in Council under section 1 of the ^{M5}International Headquarters and Defence Organisations Act 1964; and

“visiting force” means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any provision of the ^{M6}Visiting Forces Act 1952.”

Marginal Citations

- M5** 1964 c. 5.
- M6** 1952 c. 67.

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Scotland

5 General stores etc. in rural settlements.

Schedule 2 (which provides for mandatory or discretionary relief from non-domestic rates for certain lands and heritages in rural settlements) is to have effect.

6 Crown property.

- (1) Enactments relating to non-domestic rating apply to the Crown as they apply to other persons.
- (2) Accordingly, liability to a non-domestic rate in respect of lands and heritages is not affected by the fact that—
 - (a) the lands and heritages are occupied by the Crown or by a person acting on behalf of the Crown or are used for Crown purposes, or
 - (b) the Crown or a person acting on behalf of the Crown is entitled to possession of the lands and heritages.
- (3) Section 3(1) of the ^{M7}Local Government (Scotland) Act 1975 is to have effect as if the reference to making an alteration in the valuation roll under the enactments there mentioned included a reference to the coming into force of this section.
- (4) If (apart from this subsection) relevant lands and heritages would be treated as justifying two or more separate entries in the valuation roll, the lands and heritages are to be treated—
 - (a) as justifying only one such entry, and
 - (b) as occupied by the person mentioned in subsection (5)(b) appearing to the rating authority to occupy the largest part of the lands and heritages to which the single entry relates.
- (5) “Relevant lands and heritages” are lands and heritages which—
 - (a) if they were occupied by a single occupier, would attract a single entry in the valuation roll, and
 - (b) are occupied by more than one of any of the following—
 - (i) a Minister of the Crown,
 - (ii) a Government department, or
 - (iii) an officer or body exercising functions on behalf of the Crown.
- (6) Subsection (4) does not apply to lands and heritages provided or maintained by a local authority or joint board (within the meaning of the ^{M8}Local Government (Scotland) Act 1973).
- (7) The Secretary of State may by order amend subsection (6) so as to alter the persons for the time being referred to there.
- (8) Subsection (4) does not affect the power conferred by section 6A of the ^{M9}Valuation and Rating (Scotland) Act 1956.
- (9) In this section—

“enactment” includes any subordinate legislation (within the meaning of the ^{M10}Interpretation Act 1978),

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“non-domestic rate” is to be construed in accordance with section 7B of the ^{M11}Local Government (Scotland) Act 1975.

Marginal Citations

M7 1975 c. 30.
M8 1973 c. 65.
M9 1956 c. 60.
M10 1978 c. 30.
M11 1975 c. 30.

7 Visiting forces etc.

(1) After this section comes into force, no lands and heritages which are occupied for the purposes of a visiting force, or a headquarters, in pursuance of arrangements made in that behalf with any Government department are to be entered in the valuation roll.

(2) In this section—

“headquarters” means an international headquarters or defence organisation designated by an Order in Council under section 1 of the ^{M12}International Headquarters and Defence Organisations Act 1964,

“visiting force” means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any provision of the ^{M13}Visiting Forces Act 1952.

Marginal Citations

M12 1964 c. 5.
M13 1952 c. 67.

8 Orders under section 6 and Schedule 2.

(1) Subject to subsection (2), the power to make an order under section 6 and Schedule 2 shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(2) The power to make an order under paragraph 3(2)(c)(ii) of Schedule 2 shall be exercisable by statutory instrument, and no such order shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

(3) The power to make an order as mentioned in subsection (1) may be exercised differently in relation to different areas or in relation to other different cases or descriptions of case.

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PART II

PARISHES AND PARISH COUNCILS

Modifications etc. (not altering text)

C1 Pt. II: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

Establishment and review

9 Reviews of parishes by local authorities.

- (1) A district council, or a unitary county council, may conduct a review of the whole or any part of their area for the purpose of considering whether or not to make any recommendations within subsection (2) to the Secretary of State and (if they decide to do so) what recommendations.
- (2) The recommendations which the council may make following the review are recommendations for—
 - (a) the constitution of a new parish by—
 - (i) the establishment as a parish of any area which is not, and is not part of, a parish,
 - (ii) the aggregation of any such area with one or more parishes or parts of parishes,
 - (iii) the aggregation of parts of parishes,
 - (iv) the amalgamation of two or more parishes, or
 - (v) the separation of part of any parish,
 - (b) the abolition of a parish, with or without the distribution of its area among other parishes, or
 - (c) the alteration of the area of a parish.
- (3) Subject to subsection (4), if the council make any recommendation for the constitution of a new parish, they must include recommendations for—
 - (a) the establishment of a new parish council for the parish, ^{F1} . . .
 - ^{F1}(b)

[^{F2}(3A) Where the council make recommendations under subsection (3) they must also make proposals to the Electoral Commission for the electoral arrangements for the new parish council.]

- (4) If the population of a new parish recommended by the council would include fewer than 200 local government electors, the council may include the recommendations mentioned in subsection (3), [^{F3}or make the proposals mentioned in subsection (3A),] but are not under a duty to do so.
- (5) If the council make a recommendation for the alteration of the area of a parish which has a parish council, they may [^{F4}make proposals to the Electoral Commission] for changes to the electoral arrangements for the council.
- (6) If the council make any recommendation within subsection (2), they may [^{F4}make proposals to the Electoral Commission] for the related alteration of the boundaries

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of any electoral division of a county, or ward of a district, within their area and any consequential alteration in the number of councillors to be elected for the ward.

Textual Amendments

- F1** Words in s. 9(3) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, Sch. 2 para. 3(2)
- F2** S. 9(3A) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 3(3)
- F3** Words in s. 9(4) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 3(4)
- F4** Words in s. 9(5)(6) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 3(5)(6)

10 Procedure on a review.

- (1) If a district council or unitary county council decide to conduct a review under section 9, they must as soon as reasonably practicable take the steps they consider sufficient to secure that persons who may be interested in the review are informed of—
 - (a) the decision to conduct the review,
 - (b) the subject-matter of the review, and
 - (c) the period within which representations about the subject-matter of the review may be made.
- (2) In conducting the review, the council must take into consideration any representations made to them within the period mentioned in subsection (1)(c).
- (3) After conducting the review, unless they decide not to make any recommendations to the Secretary of State [^{F5}or proposals to the Electoral Commission], the council must—
 - (a) prepare draft recommendations [^{F6}or proposals] and take the steps they consider sufficient to secure that persons who may be interested in them are informed of them and of the period within which representations about them may be made,
 - (b) deposit copies of the draft recommendations [^{F6}or proposals] at their principal office and keep the copies available for inspection at that office throughout the period within which representations about them may be made, and
 - (c) take into consideration any such representations made to them within that period.
- (4) If the council then decide to make any recommendations [^{F6}or proposals], they must send them to the Secretary of State [^{F7}and the Electoral Commission] and, as soon as they do so—
 - (a) deposit copies of the recommendations [^{F6}or proposals] at their principal office, and
 - (b) take the steps they consider sufficient to secure that persons who may be interested in the recommendations [^{F6}or proposals] are informed of them and of the period within which the copies may be inspected.
- (5) Further, the council must keep the copies available for inspection at their principal office throughout the period within which they may be inspected.

Textual Amendments

- F5** Words in s. 10(3) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 4(2)(a)
- F6** Words in s. 10(3)(a)(b)(4) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 4(2)(b)(3)(a)

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F7 Words in s. 10(4) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 4(3)(b)

11 Petitions for new parishes.

- (1) If a district council or unitary county council receive a petition which complies with subsection (2) for—
 - (a) the constitution as a parish of an area (within their area) which is not wholly or partly within a parish, and
 - (b) the establishment of a parish council for any such area,
 they must send the petition to the Secretary of State.
- (2) The petition must—
 - (a) be signed by not less than—
 - (i) 250 local government electors for the area to which it relates, or
 - (ii) 10 per cent. of the local government electors for that area, whichever is the greater number of local government electors, and
 - (b) define the area to which it relates, whether on a map or otherwise.
- (3) But if—
 - (a) an earlier petition has been made to the council within the period of two years ending with the day when they received the petition,
 - (b) in the opinion of the council the area to which the later petition relates covers the whole or a significant part of the area to which the earlier petition related, and
 - (c) the council have sent the earlier petition to the Secretary of State under this section,
 the council may send the later petition to the Secretary of State, but are not under a duty to do so.
- (4) Where a council are under a duty, or decide, to send a petition to the Secretary of State under this section, they must send the petition, together with their views about it, to him before the end of the period of three months beginning with the day when they received it.
- (5) For the purposes of this section and sections 12^{F8} . . . and 14—
 - (a) a petition proposing the constitution of any area as a parish is to be treated as if it also proposed the establishment of a parish council for the parish, and
 - (b) a petition proposing the establishment of a parish council for any area is to be treated as if it also proposed the constitution of the area as a parish.
- (6) If a district council receive a petition falling within subsection (1), they must as soon as reasonably practicable notify any county council within whose area the district of the district council is situated of the proposals contained in the petition.
- (7) The county council may send their views about the proposals contained in the petition to the district council or the Secretary of State.

Textual Amendments

F8 Word in s. 11(5) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, Sch. 2 para. 5

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12 Views of local authority about the petition.

- (1) The views which a district council or unitary county council send to the Secretary of State (together with a petition) under section 11 must—
 - (a) show whether or not they agree with the proposals contained in the petition, and
 - (b) summarise any information the council have about the opinions held by local government electors in their area about the proposals,and may contain any other information or observations they think fit.
- (2) Where a district council or unitary county council receive a petition which they propose to send to the Secretary of State under section 11 and decide to consider—
 - (a) the electoral arrangements for the proposed parish council, or
 - (b) the related alteration of the boundaries of any electoral division of a county, or ward of a district, within their area and any consequential alteration in the number of councillors for that ward,they must inform [^{F9}the Electoral Commission and] the Secretary of State of their decision when they send [^{F10}the Secretary of State] the petition.
- (3) Further, if the council decide to consider either of those matters, they must—
 - (a) as soon as reasonably practicable take the steps they consider sufficient to secure that persons who may be interested in any of those matters are informed of the period within which representations about them may be made, and
 - (b) take into consideration any representations about those matters made to them within the period.
- (4) If the council then decide to make any [^{F11}proposals to the Electoral Commission about those matters, they must send them to the Electoral Commission] about those matters, they must send them to the Secretary of State and, as soon as they do—
 - (a) deposit copies of the [^{F12}proposals] at their principal office, and
 - (b) take the steps they consider sufficient to secure that persons who may be interested in the [^{F12}proposals] are informed of them and of the period within which the copies may be inspected.
- (5) Further, the council must keep the copies available for inspection at their principal office throughout the period within which they may be inspected.
- (6) If the council decide not to make any [^{F13}proposals to the Electoral Commission] about those matters, they must inform [^{F14}the Commission] of their decision as soon as reasonably practicable.
- (7) Any [^{F15}proposals] about those matters must be sent to the [^{F16}Electoral Commission] before the end of the period of six months beginning with the day when the council received the petition.

Textual Amendments

- F9** Words in s. 12(2) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(2)(a)
F10 Words in s. 12(2) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(2)(b)
F11 Words in s. 12(4) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(3)(a)
F12 Words in s. 12(4)(a)(b) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(3)(b)
F13 Words in s. 12(6) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(4)(a)
F14 Words in s. 12(6) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(4)(b)

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- F15** Words in s. 12(7) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(5)(a)
F16 Words in s. 12(7) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 6(5)(b)

[^{F17}13 Consideration by Electoral Commission

- (1) Where the Electoral Commission are sent any proposals under section 9 or 12, or the Secretary of State requests the Commission to advise him on any recommendations made to him under either of those sections, the Commission may direct the Boundary Committee for England to carry out a review of the proposals or recommendations either—
 - (a) in accordance with the procedure prescribed in section 15 of the Local Government Act 1992 (procedure on a review); or
 - (b) if they consider it more appropriate in the circumstances, in accordance with the procedure prescribed in section 15A of that Act (alternative procedure on a review),
 and to make recommendations to the Commission.
- (2) The Electoral Commission may advise the Secretary of State to give effect to any recommendations made to him subject to such changes as appear to them to be appropriate.
- (3) The Electoral Commission may give a direction to the Boundary Committee for England about the exercise of a function under this section.
- (4) A direction may, in particular, require the Boundary Committee for England to have regard to—
 - (a) any guidance given by the Electoral Commission;
 - (b) guidance given by the Secretary of State as to matters to be taken into account in relation to boundary changes or the constitution of a new parish.]

Textual Amendments

- F17** S. 13 substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 7

Modifications etc. (not altering text)

- C2** Ss. 13, 14, 17(4): power to transfer or modify functions conferred (30.11.2000 so far as the section confers power to make an order or regulations and otherwise 30.10.2001) by 2000 c. 41, s. 18(3)(b)(4) (with s. 156(6)); S.I. 2001/3526, art. 2(c)
Ss. 13, 14, 17(4): certain functions transferred (1.4.2002) by virtue of S.I. 2001/3962, art. 3(2)(b)

14 Implementation by Secretary of State.

- (1) The Secretary of State may, if he thinks fit, by order give effect to—
 - (a) any recommendations made to him under section 9^{F18} . . . ,
 - (b) any petition sent to him under section 11^{F19} . . . ,
 and may do so with or without modifications.
- [^{F20}(1A) The Electoral Commission may by order give effect to any proposals sent to them under section 9 or 12 subject to—
 - (a) any recommendations made to them on those proposals by the Boundary Committee for England; and

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- (b) any modifications to those recommendations agreed with that Committee.]
- (2) An order under [^{F21}subsection (1A)] may also make a related alteration of the boundaries of any electoral division of a county, or ward of a district, within the area of the district council, or unitary county council, concerned and any consequential alteration in the number of councillors to be elected for the ward.
- ^{F22}(3)
- (4) An order under this section may direct the district council, or unitary county council, concerned—
- (a) to establish a parish council for a new parish constituted by any such order,
 - (b) to make specified electoral arrangements for the parish council, and
 - (c) to make specified provision for the election of the parish council in accordance with the ^{M14}Local Government Act 1972 and Part I of the ^{M15}Representation of the People Act 1983.
- [^{F23}(5) The Electoral Commission may give effect to proposals sent to them under section 12 whether or not the proposals are sent within the period mentioned in section 12(7).
- (6) The Secretary of State may give effect to a petition in accordance with subsection (1) (b) whether or not it is sent to him within the period mentioned in section 11(4).]

Textual Amendments

- F18** Words in s. 14(1)(a) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, **Sch. 2 para. 8(2)(a)**
- F19** Words in s. 14(1)(b) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, **Sch. 2 para. 8(2)(b)**
- F20** S. 14(1A) inserted (1.4.2002) by S.I. 2001/3962, art. 9, **Sch. 2 para. 8(3)**
- F21** Words in s. 14(2) substituted (1.4.2002) by S.I. 2001/3962, art. 9, **Sch. 2 para. 8(4)**
- F22** S. 14(3) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, **Sch. 2 para. 8(5)**
- F23** S. 14(5)(6) substituted (1.4.2002) for s. 14(5) by S.I. 2001/3962, art. 9, **Sch. 2 para. 8(6)**

Modifications etc. (not altering text)

- C3** Ss. 13, 14, 17(4): power to transfer or modify functions conferred (30.11.2000 so far as the section confers power to make an order or regulations and otherwise 30.10.2001) by 2000 c. 41, **s. 18(3)(b)(4)** (with s. 156(6)); S.I. 2001/3526, **art. 2(c)**
Ss. 13, 14, 17(4): certain functions transferred (1.4.2002) by virtue of S.I. 2001/3962, **art. 3(2)(b)**

Marginal Citations

- M14** 1972 c. 70.
M15 1983 c. 2.

15 Regulations for supplementing orders under section 14.

- (1) The Secretary of State may by regulations of general application make any incidental, consequential, transitional or supplementary provision he thinks necessary or expedient for the purposes or in consequence of any orders made by him under section 14 or for giving full effect to such orders.
- (2) Regulations under subsection (1) are to have effect subject to any provision made by the orders to which they relate.

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16 Establishment of new parish councils by local authorities.

- (1) This section applies where a parish has no separate parish council.
- (2) Subject to subsection (3), the district council or unitary county council within whose area the parish is situated must establish a separate parish council for the parish if—
 - (a) the population includes at least 200 local government electors, or
 - (b) the population includes more than 150 but fewer than 200 local government electors and the parish meeting resolve that there should be a parish council.
- (3) Where the parish is within subsection (2)(a) or (b) and grouped under a common parish council, the district council or unitary county council concerned may establish a separate parish council for the parish, but are not under a duty to do so.
- (4) The district council or unitary county council concerned may establish a separate parish council for the parish if it is not within subsection (2)(a) or (b) but the parish meeting resolve that there should be a separate parish council.
- (5) The power of a district council or unitary county council under this section is exercisable by order.

17 Electoral arrangements.

- (1) Where a district council or unitary county council by order establish a separate parish council for a parish under section 16, they must by the order—
 - (a) make any electoral arrangements which appear to them to be necessary for the separate parish council, and
 - (b) make any other provision which appears to them to be necessary for the election of the parish council in accordance with the ^{M16}Local Government Act 1972 and Part I of the ^{M17}Representation of the People Act 1983.
- (2) A district council or unitary county council may conduct a review of the electoral arrangements for the council of a parish in their area for the purpose of considering whether or not to make any changes to the arrangements and, if so, what changes.
- (3) If following a review under this section the council decide that changes should be made to the electoral arrangements, they may by order give effect to all or any of the changes.
- (4) Subsection (3) does not apply if the electoral arrangements for the parish council have been made or altered by or in pursuance of an order under section 14, or by an order under Part IV of the ^{M18}Local Government Act 1972 or section 17 of the ^{M19}Local Government Act 1992, and—
 - (a) the period of five years beginning with the day on which the order was made has not expired, and
 - (b) the [^{F24}Electoral Commission have] not consented to the council making the changes.
- (5) The power of a council to make an order under this section includes power to vary or revoke any order previously made under section 16 or this section.

Textual Amendments

F24 Words in s. 17(4)(b) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 9

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Modifications etc. (not altering text)

- C4** Ss. 13, 14, 17(4): power to transfer or modify functions conferred (30.11.2000 so far as the section confers power to make an order or regulations and otherwise 30.10.2001) by 2000 c. 41, s. 18(3)(b)(4) (with s. 156(6)); S.I. 2001/3526, art. 2(c)
Ss. 13,14, 17(4): certain functions transferred (1.4.2002) by virtue of S.I. 2001/3962, art. 3(2)(b)

Marginal Citations

- M16** 1972 c. 70.
M17 1983 c. 2.
M18 1972 c. 70.
M19 1992 c. 19.

18 Considerations in deciding about electoral arrangements.

- (1) This section applies where ^{F25} . . . [^{F26}the Electoral Commission], a district council or a unitary county council (“the authority”) are considering electoral arrangements under sections 9 to 17.
- (2) When considering whether a parish should be divided into parish wards, the authority must consider whether—
 - (a) the number or distribution of the local government electors of the parish is such as to make a single election of parish councillors impracticable or inconvenient, and
 - (b) it is desirable that any area or areas of the parish should be separately represented on the parish council.
- (3) Where the authority decide that a parish should be divided into parish wards and are considering the size and boundaries of the wards and the number of parish councillors to be elected for each ward, the authority must have regard to—
 - (a) any change in the number or distribution of local government electors for the parish that is likely to occur in the five years beginning with their consideration,
 - (b) the desirability of fixing boundaries which are and will remain easily identifiable, and
 - (c) any local ties which will be broken by the fixing of any particular boundaries.
- (4) Where the authority decide that a parish should not be divided into parish wards and are considering the number of councillors to be elected for the parish, the authority must have regard to—
 - (a) the number of the local government electors for the parish, and
 - (b) any change in that number which is likely to occur in the period of five years beginning with their decision.

Textual Amendments

- F25** Words in s. 18(1) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, Sch. 2 para. 10(a)
F26 Words in s. 18(1) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para. 10(b)

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19 Reviews of parishes by Local Government Commission.

- (1) In section 13 of the ^{M20}Local Government Act 1992 (duty of Local Government Commission for England to conduct reviews and make recommendations) after subsection (1) there is inserted—

“(1A) If the Secretary of State so directs, the Local Government Commission shall, in accordance with this Part and any directions given under it—

- (a) conduct a review of such areas in England as are specified in the direction or are of a description so specified; and
- (b) recommend to the Secretary of State as respects each of those areas either—
 - (i) that he should make such parish boundary changes or parish electoral changes as are specified in the recommendations; or
 - (ii) that he should make no such changes.

(1B) Recommendations under subsection (1A) above for parish boundary changes may include recommendations for the related alteration of the boundaries of any electoral division of a county or ward of a district and any consequential alteration in the number of councillors to be elected for the ward.

(1C) For the purposes of subsections (1A) and (1B) above—

- (a) a parish boundary change means a boundary change which is the alteration of the area of a parish, the constitution of a new parish or the abolition of a parish; and
- (b) a parish electoral change means an electoral change which is a change of the electoral arrangements mentioned in section 14(4)(b) below”.

- (2) In section 14 of the Act of 1992 (changes that may be recommended by the Commission), in subsection (5), after paragraph (b) there is inserted—

“(ba) the establishment of a parish council for any new parish which would result from any recommended boundary change and the electoral arrangements (as defined in subsection (4)(b) above) for the council”.

Marginal Citations

M20 1992 c. 19.

20 Election of parish councillors.

- (1) In section 17(3) of the ^{M21}Local Government Act 1992 (provisions which may be included in orders implementing recommendations of Local Government Commission), after paragraph (e) there is inserted—

“(ea) in the case of an order containing provision for a structural change by which the functions of district councils in relation to any area are transferred to a council for a county consisting of that area, the ordinary year of election and the order of retirement of parish councillors for any parish situated in the area”.

(2) Where—

- (a) an order under section 17 of the ^{M22}Local Government Act 1992 has been made before the coming into force of this section, and

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- (b) the order includes provision for any structural change by which the functions of district councils in relation to any area are transferred to a council for a county consisting of that area,
- the Secretary of State may by order make provision with respect to the ordinary year of election and the order of retirement of parish councillors for any parish situated in that area.
- (3) In subsection (2) “structural change” has the same meaning as in Part II of the Local Government Act 1992 (see section 14).

Marginal Citations

- M21 1992 c. 19.
M22 1992 c. 19.

Consultation

21 Consultation with parish councils.

- (1) Where a county council or a district council are to consider any proposal relating to a matter designated for the purposes of this subsection, the council must—
- afford parish councils within their area an opportunity to make representations to them about the proposal,
 - before taking any decision in relation to the proposal, take into account any representations about the proposal made to them by any parish council within their area, and
 - when they take a decision with respect to the proposal, notify without delay any parish council within their area by whom any representations about the proposal have been made.
- (2) If a parish council have given written notice to a county council or district council whose area they are within—
- that they wish to be consulted about a specified proposal to be considered by the council which relates to a matter designated for the purposes of this subsection, or
 - that they wish to be consulted about any proposal to be considered by the council which relates to such a matter,
- the county council or district council must take the steps mentioned in subsection (1) in relation to that parish council.
- (3) An order under this section may prescribe circumstances (including, in particular, the need to act with urgency) in which subsections (1) and (2) do not apply.
- (4) A contravention of the duty imposed by subsection (1) or (2) does not affect the validity of any decision of a county council or district council or of anything done in pursuance of any such decision.
- (5) For the purposes of this section, a parish council is within the area of a county council or district council if—
- the parish is situated within the county or (as the case may be) the district, or

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- (b) where it is the council of a group of parishes, the area of the group is situated wholly or in part within the county or (as the case may be) the district.
- (6) In this section “designated” means designated by an order made by the Secretary of State.

Supplemental

22 Exercise of functions.

- (1) In exercising their powers under sections 9 to 12 and 17(2), a district council or unitary county council must have regard to any guidance given by the Secretary of State ^{F27} or by the Electoral Commission].
- (2) The functions of district councils and unitary county councils under sections 9, 11 and 12, and of the ^{F28}Electoral Commission] under section 13, are to be exercised in the manner which appears to the council concerned or the Commission (as the case may be) desirable having regard to the need—
 - (a) to reflect the identities and interests of local communities, and
 - (b) to secure effective and convenient local government.

^{F29}(3)

^{F29}(4)

Textual Amendments

F27 Words in s. 22(1) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para.11(2)

F28 Words in s. 22(2) substituted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para.11(3)

F29 S. 22(3)(4) omitted (1.4.2002) by virtue of S.I. 2001/3962, art. 9, Sch. 2 para.11(4)

23 Orders and regulations under Part II.

- (1) Any power of the Secretary of State under section 14, 15, 20 or 21 to make orders or regulations ^{F30} or power of the Electoral Commission to make an order under section 14(1A)] is exercisable by statutory instrument.
- (2) A statutory instrument containing any regulations under section 15 shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any power to make orders or regulations under this Part may be exercised to make different provision for different cases, including different provision for different areas or localities and for different authorities.
- (4) Any power of any person to make orders under this Part includes power to make any incidental, supplemental, consequential or transitional provision which the person thinks necessary or expedient.
- (5) The provision which may be made by or in pursuance of an order under section 14, or by regulations under section 15 or an order under section 16, includes—
 - (a) the transfer of functions, property, rights or liabilities (which includes power to make provision mentioned in subsection (6)), and
 - (b) the management or custody of transferred property (whether real or personal).

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- (6) The provision referred to in subsection (5)(a) is provision—
- (a) for legal proceedings commenced by or against any body to be continued by or against a body to whom functions, property, rights or liabilities are transferred,
 - (b) for the transfer of staff, compensation for loss of office, pensions and other staffing matters, and
 - (c) for treating any body to whom a transfer is made for some or all purposes as the same person in law as the body from whom the transfer is made.
- (7) The provision which may be made by or in pursuance of an order under section 14, or by regulations under section 15 or an order under section 16, 17 or 20, includes the exclusion or modification of the application of—
- (a) section 16(3) or 90 of the ^{M23}Local Government Act 1972 (elections of parish councillors), or
 - (b) rules under section 36 of the ^{M24}Representation of the People Act 1983 (local elections), whenever made.
- (8) Where a council make an order under section 16 or 17, they must send two copies of the order to the Secretary of State [^{F31}and to the Electoral Commission].
- (9) Section 20 of the ^{M25}Local Government Act 1992 applies to an order under section 14, 16 or 17 as it applies to an order under Part II of that Act.

Textual Amendments

F30 Words in s. 23(1) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para.12(2)

F31 Words in s. 23(8) inserted (1.4.2002) by S.I. 2001/3962, art. 9, Sch. 2 para.12(3)

Marginal Citations

M23 1972 c. 70.

M24 1983 c. 2.

M25 1992 c. 19.

24 Interpretation of Part II.

- (1) This section applies for the interpretation of this Part.
- (2) “Electoral arrangements”, in relation to an existing or proposed parish council, means—
- (a) the number of councillors,
 - (b) the question whether or not the parish or (in the case of a common parish council) any of the parishes should be, or continue to be, divided into wards for the purposes of the election of councillors,
 - (c) the number and boundaries of any such wards,
 - (d) the number of councillors to be elected for any such ward or (in the case of a common parish council) for each parish, and
 - (e) the name of any such ward.
- (3) “Unitary county council” means the council of a county in which there are no district councils.

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- (4) “Local government elector” has the same meaning as in the ^{M26}Local Government Act 1972 (see section 270).

Marginal Citations

M26 1972 c. 70.

25 Application of Part II to England only.

In this Part, any reference to a local authority is to a local authority in England; and “local authority” has the same meaning as in the Local Government Act 1972 (see section 270).

PART III

POWERS OF PARISH COUNCILS AND COMMUNITY COUNCILS

Transport etc.

26 Car-sharing schemes.

- (1) A parish council or community council may—
 - (a) establish and maintain any car-sharing scheme, or
 - (b) assist others to establish and maintain any car-sharing scheme, for the benefit of persons in the council’s area.
- (2) A parish or community council may impose any conditions they think fit—
 - (a) on the participation of persons in any scheme established and maintained by the council under subsection (1)(a) (including conditions requiring persons who receive fares under the scheme to contribute to the costs of establishing and maintaining it), or
 - (b) on the giving of any assistance under subsection (1)(b).
- (3) For the purposes of this section—
 - (a) a car-sharing scheme is a scheme for the provision of private cars for use on journeys in the course of which one or more passengers may be carried at separate fares, and
 - (b) the participants in a car-sharing scheme are those who make private cars available for use under the scheme or who are eligible for carriage as passengers under the scheme.
- (4) In this section—
 - (a) “private car” means a motor vehicle other than a public service vehicle, a licensed taxi, a licensed hire car or a motor cycle,
 - (b) “motor vehicle”, “public service vehicle” and “fares” have the same meaning as in section 1 of the ^{M27}Public Passenger Vehicles Act 1981, and
 - (c) “licensed taxi” and “licensed hire car” have the meaning given by section 13(3) of the ^{M28}Transport Act 1985.

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Marginal Citations

M27 1981 c. 14.

M28 1985 c.67.

27 Grants for bus services.

After section 106 of the Transport Act 1985 there is inserted—

“106A Grants for bus services.

- (1) A parish council or community council may make grants to any body towards expenditure incurred or to be incurred by that body in connection with the operation of—
 - (a) a bus service appearing to the council to be wholly or mainly for the benefit of members of the public who are elderly or disabled; or
 - (b) a community bus service (as defined in section 22 of this Act).
- (2) The power in subsection (1) above may only be exercised if—
 - (a) the bus service benefits, or appears to the council likely to benefit, persons living in the council’s area, and
 - (b) a permit in relation to the use of the vehicle by means of which the service is, or is to be, provided has been granted to the body concerned under section 19 or 22 of this Act.
- (3) Grants under this section may be made in such cases and subject to such terms and conditions as the council think fit.”

28 Taxi fare concessions.

- (1) A parish council or a community council may enter into arrangements with any licensed taxi operator or licensed hire car operator under which—
 - (a) the operator grants fare concessions on local journeys specified in the arrangements to some or all of the persons falling within subsection (2), and
 - (b) the council reimburse the cost incurred in granting the concessions.
- (2) The persons falling within this subsection are persons who are—
 - (a) resident in the council’s area, and
 - (b) specified for the time being in or under subsection (7) of section 93 of the Transport Act 1985 as eligible to receive travel concessions under a scheme established under that section.
- (3) Arrangements made under subsection (1) may specify such other terms and conditions as the council think fit.
- (4) In subsection (1) “licensed taxi operator” and “licensed hire car operator” mean a person who provides a service for the carriage of passengers by licensed taxi (as defined by section 13(3) of the Transport Act 1985) or by licensed hire car (as so defined).

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29 Information about transport.

- (1) A parish council or community council may investigate—
 - (a) the provision and use of, and the need for, public passenger transport services in their area,
 - (b) the use of and need for roads in their area, and
 - (c) the management and control of traffic in their area.
- (2) A parish council or community council may publicise information on public passenger transport services in their area or, on any conditions they think fit, assist others to do so.
- (3) In this section “public passenger transport services” has the same meaning as in the ^{M29}Transport Act 1985 (see section 63(10)).

Marginal Citations

M29 1985 c. 67.

30 Traffic calming works.

After section 274 of the ^{M30}Highways Act 1980 there is inserted—

“274A Contributions by parish or community councils.

A parish council or community council may contribute towards any expenses incurred or to be incurred by a highway authority in constructing, removing or maintaining—

- (a) traffic calming works, or
- (b) other works (including signs or lighting) required in connection with traffic calming works,

if, in the opinion of the council, the expenditure is or will be of benefit to their area.”

Marginal Citations

M30 1980 c. 66.

Crime prevention

31 Crime prevention.

- (1) A parish council or community council may, for the detection or prevention of crime in their area—
 - (a) install and maintain any equipment,
 - (b) establish and maintain any scheme, or
 - (c) assist others to install and maintain any equipment or to establish and maintain any scheme.
- (2) In section 92 of the ^{M31}Police Act 1996 (grants by local authorities)—
 - (a) in subsection (1)—

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- (i) for “or London borough” there is substituted “ London borough, parish or community ”, and
 - (ii) for “county, district, county borough or borough” there is substituted “ council’s area ”, and
- (b) in subsection (2), for “or district” there is substituted “ district or parish ”.

Marginal Citations

M31 1996 c. 16.

PART IV

GENERAL

32 Financial provisions.

- (1) There is to be paid out of money provided by Parliament—
 - (a) any expenses of the Secretary of State incurred in consequence of this Act, and
 - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) There is to be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other enactment.

33 Minor and consequential amendments and repeals.

- (1) Schedule 3 (which makes minor and consequential amendments) is to have effect.
- (2) The enactments shown in Schedule 4 (which include some that are spent) are repealed to the extent specified in the third column.

Commencement Information

II S. 33 wholly in force; s. 33 not in force at Royal Assent see s. 34; s. 33(1) in force for certain purposes at 1.4.1997 by S.I. 1997/1097, art. 2; s. 33(1) in force for certain further purposes at 19.5.1997 by S.I. 1997/1097, art. 3; s. 33(1) in force for further certain purposes at 1.12.1997 by S.I. 1997/2826, art. 2(c); s. 33 in force for certain purposes at 18.3.1998 by S.I. 1998/694, art. 2; s. 33 in force at 1.4.2000 insofar as not already in force by S.I. 1998/2329, art. 3(1)

34 Commencement.

- (1) Subject to subsections (2) and (3), this Act is to come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different purposes.
- (2) Part II and paragraphs 4 to 10 and 21 of Schedule 3 are to come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) This Part (except section 33) is to come into force on the passing of this Act.

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- (4) An order under subsection (1) may make such transitional provisions and savings as the Secretary of State considers necessary or expedient in connection with any provision brought into force by the order.

Subordinate Legislation Made

- P1** S. 34(1) power partly exercised (26.3.1997): different dates appointed for specified provisions by [S.I. 1997/1097](#)
 S. 34(1) power partly exercised (12.3.1998): 18.3.1998 appointed for specified provisions by [S.I. 1998/694](#), [art. 2](#)
- P2** S. 34(1)(4) power partly exercised (18.11.1997): 19.11.1997 appointed for specified provisions by [S.I. 1997/2752](#), [art. 2](#) (subject to savings in [art. 2\(2\)](#))
 S. 31(1)(4) power partly exercised (21.11.1997): 1.12.1997 appointed for specified provisions by [S.I. 1997/2826](#), [art. 2](#) (subject to transitional provisions in [art. 3](#))
 S. 31(1)(4) power partly exercised (18.9.1998): different dates appointed for specified provisions by [S.I. 1998/2329](#)

35 Short title and extent.

- (1) This Act may be cited as the Local Government and Rating Act 1997.
- (2) Sections 1 to 4, 9 to 31 and Schedule 1 extend to England and Wales only.
- (3) Sections 5 to 8 and Schedule 2 extend to Scotland only.
- (4) This Act does not extend to Northern Ireland.

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SCHEDULES

SCHEDULE 1

Section 1.

RELIEF FROM NON-DOMESTIC RATES FOR GENERAL STORES ETC. IN RURAL SETTLEMENTS: ENGLAND AND WALES

1 After section 42 of the 1988 Act there is inserted—

“42A Rural settlement list.

- (1) Each billing authority shall compile and maintain, in accordance with section 42B below, a list (to be called its rural settlement list).
- (2) A rural settlement list shall have effect for each chargeable financial year and shall identify for each such year any settlements mentioned in subsection (3) below.
- (3) The settlements referred to in subsection (2) above are those which—
 - (a) are wholly or partly within the authority’s area,
 - (b) appear to the authority to have had a population of not more than 3,000 on the last 31st December before the beginning of the chargeable financial year in question, and
 - (c) in that financial year are wholly or partly within an area designated by the Secretary of State by order as a rural area for the purposes of this section.
- (4) A rural settlement list must identify the boundaries of each settlement (whether by defining the boundaries or referring to boundaries defined in a map or other document), but if a settlement is not wholly within the area of a billing authority the list need not identify the boundaries outside the authority’s area.
- (5) An order under subsection (3)(c) above may provide for designating as a rural area any area for the time being identified by any person, in any manner, specified in the order.
- (6) Subsection (1) above does not apply to a billing authority in respect of any chargeable financial year for which there are no such settlements as are mentioned in subsection (3) above (and, accordingly, if the authority has compiled a rural settlement list, it shall cease to maintain that list).

42B Preparation and maintenance of lists.

- (1) The billing authority shall, throughout the period of three months preceding the beginning of the first chargeable financial year for which a rural settlement list is to have effect, make available for inspection a draft of the list in the form in which the authority proposes that it should have effect for that year.

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- (2) In each chargeable financial year for which a rural settlement list has effect the billing authority shall (if it appears to the authority that section 42A(1) above will apply to the authority in respect of the next chargeable financial year) review the list and consider whether or not, for the next chargeable financial year, any alterations are required to the list in order to give effect to section 42A(2) above.
- (3) If following the review the authority considers that any such alterations are required for that year, it shall, throughout the three months preceding the beginning of that year, make available for inspection a draft of the list in the form in which the authority proposes that it should have effect for that year.
- (4) A billing authority which has compiled a rural settlement list shall make it available for inspection in the form in which the list has effect for each chargeable financial year to which it relates.
- (5) Where a billing authority is required to make any list or draft available for inspection under this section, it shall make the list or draft available at any reasonable hour (and free of charge) at its principal office”.

2 In section 43 of the 1988 Act (occupied hereditaments: liability)—

- (a) in subsection (4), for “subsection (5)” there is substituted “ subsections (5) and (6A) ”, and
- (b) after subsection (6) there is inserted—

“(6A) Where subsection (6B) below applies, the chargeable amount for a chargeable day shall be calculated in accordance with the formula—

$$\frac{A \times B}{C \times 2}$$

(6B) This subsection applies where—

- (a) on the day concerned the hereditament is within a settlement identified in the billing authority’s rural settlement list for the chargeable financial year,
- (b) the rateable value of the hereditament shown in the local non-domestic rating list at the beginning of that year is not more than any amount prescribed by the Secretary of State by order, and
- (c) on the day concerned—
 - (i) the whole or part of the hereditament is used as a qualifying general store or qualifying post office, or
 - (ii) any conditions prescribed by the Secretary of State by order are satisfied;

and subsections (6C) to (6E) below apply for the purposes of this subsection.

(6C) A hereditament, or part of a hereditament, is used as a qualifying general store on any day in a chargeable financial year if—

- (a) a trade or business consisting wholly or mainly of the sale by retail of both food for human consumption (excluding

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confectionery) and general household goods is carried on there, and

- (b) such a trade or business is not carried on in any other hereditament, or part of a hereditament, in the settlement concerned.

(6D) A hereditament, or part of a hereditament, is used as a qualifying post office on any day in a chargeable financial year if—

- (a) it is used for the purposes of the Post Office (within the meaning of the Post Office Act 1953), and
(b) no other hereditament, or part of a hereditament, in the settlement concerned is so used.

(6E) Where a hereditament or part is used as a qualifying general store or qualifying post office on any day in a chargeable financial year, it is not to be treated as ceasing to be so used on any subsequent day in that year merely because the condition in subsection (6C) (b) or (6D)(b) above ceases to be satisfied”.

3 In section 47 (discretionary relief)—

- (a) in subsection (1), after “(3) below” there is inserted “ or the rural settlement condition and the second condition mentioned in subsection (3) below ” and for “43(4) to (6)” there is substituted “ 43(4) to (6B) ”,
(b) after subsection (3) there is inserted—

“(3A) The rural settlement condition is—

- (a) that on the chargeable day the hereditament is within a settlement identified in the billing authority’s rural settlement list for the chargeable financial year in which that day falls, and
(b) that the rateable value of the hereditament shown in the local non-domestic rating list at the beginning of the chargeable financial year is not more than any amount prescribed by the Secretary of State by order.

(3B) Where section 43(6B)(c) above does not apply, the billing authority shall not, by virtue of subsection (3A) above, make such a decision as is referred to in subsection (3) above unless it is satisfied that—

- (a) the hereditament is used for purposes which are of benefit to the local community, and
(b) it would be reasonable for the billing authority to make such a decision, having regard to the interests of persons liable to pay council tax set by it”.

4 In section 48 (discretionary relief: supplementary), at the end of subsection (1) there is added “ (but subsection (5) below does not apply for the purposes of subsection (3B)(a) of that section) ”.

5 In section 58 (regulations making special provision for 1995 onwards), in subsection (3)(b), for “43(4) to (6)” there is substituted “ 43(4) to (6E) ”.

6 In section 143 of the 1988 Act (orders and regulations)—

- (a) in subsection (3), for “(4)” there is substituted “ (3A) ”, and
(b) after that subsection there is inserted—

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“(3A) The power to make an order under section 43(6B)(c)(ii) above shall be exercisable by statutory instrument, and no such order shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament”.

SCHEDULE 2

Section 5.

RELIEF FROM NON-DOMESTIC RATES FOR GENERAL STORES ETC. IN RURAL SETTLEMENTS: SCOTLAND

Rural settlement list

- 1
- (1) Each rating authority must compile and maintain, in accordance with paragraph 2, a list (to be called its rural settlement list).
 - (2) A rural settlement list is to have effect for each financial year and must identify for each financial year any settlements mentioned in sub-paragraph (3).
 - (3) The settlements referred to in sub-paragraph (2) are those which—
 - (a) are wholly or partly within the authority’s area,
 - (b) appear to the authority to have had a population of not more than 3,000 on the last 31st December before the beginning of the financial year in question, and
 - (c) in that financial year are wholly or partly within an area designated by the Secretary of State by order as a rural area for the purposes of this paragraph.
 - (4) A rural settlement list must identify the boundaries of each settlement (whether by defining the boundaries or referring to boundaries defined in a map or other document), but if a settlement is not wholly within the area of a rating authority the list need not identify the boundaries outside the authority’s area.
 - (5) An order under sub-paragraph (3)(c) may provide for designating as a rural area any area for the time being identified by any person, in any manner, specified in the order.
 - (6) Sub-paragraph (1) does not apply to a rating authority in respect of any financial year for which there are no such settlements as are mentioned in sub-paragraph (3) (and, accordingly, if the authority have compiled a rural settlement list, they are to cease to maintain that list).

Preparation and maintenance of lists

- 2
- (1) The rating authority must, throughout the period of three months preceding the beginning of the first financial year for which a rural settlement list is to have effect, make available for inspection a draft of the list in the form in which the authority propose that it should have effect for that year.
 - (2) In each financial year for which a rural settlement list has effect the rating authority must (if it appears to the authority that paragraph 1(1) will apply to the authority in respect of the next financial year) review the list and consider whether or not, for the next financial year, any alterations are required to the list in order to give effect to paragraph 1(2).

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- (3) If following the review the authority consider that any such alterations are required for that year, they must, throughout the three months preceding the beginning of that year, make available for inspection a draft of the list in the form in which they propose that it should have effect for that year.
- (4) A rating authority which has compiled a rural settlement list must make it available for inspection in the form in which the list has effect for each financial year to which it relates.
- (5) Where a rating authority are required to make any list or draft available under this paragraph, they must make the list or draft available at any reasonable hour (and free of charge) at their principal office.

Mandatory relief

- 3 (1) For any period in a financial year 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 lands and heritages are within a settlement identified in the rating authority's rural settlement list for the financial year in which the period falls,
 - (b) the rateable value of the lands and heritages shown in the valuation roll at the beginning of that financial year is not more than any amount prescribed by the Secretary of State by order, and
 - (c) during the period concerned—
 - (i) the whole or part of the lands and heritages is used as a qualifying general store or qualifying post office, or
 - (ii) any conditions prescribed by the Secretary of State by order are satisfied;and sub-paragraphs (3) to (5) apply for the purposes of this sub-paragraph.
- (3) The whole or part of lands and heritages is used as a qualifying general store for any period in a financial year if—
 - (a) a trade or business consisting wholly or mainly of the sale by retail of both food for human consumption (excluding confectionery) and general household goods is carried on there, and
 - (b) such a trade or business is not carried on in any other lands and heritages or part of any lands and heritages, in the settlement concerned.
- (4) The whole or part of lands and heritages is used as a qualifying post office for any period in a financial year if—
 - (a) it is used for the purposes of [F32 a universal service provider (within the meaning of the Postal Services Act 2000) and in connection with the provision of a universal postal service (within the meaning of that Act)], and
 - (b) neither the whole nor part of other lands and heritages in the settlement concerned is so used.
- (5) Where the whole or part of lands and heritages is used as a qualifying general store or qualifying post office for any period in a financial year, it is not to be treated as

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ceasing to be so used merely because the condition in sub-paragraph (3)(b) or (4)(b) ceases to be satisfied.

Textual Amendments

F32 Words in Sch. 2 para. 3(4)(a) substituted (26.3.2001) by 2000 c. 26, s. 127(4), **Sch. 8 Pt. II para. 25**; S.I. 2001/1148, art. 2, Sch. (with art. 34)

Discretionary relief

- 4 (1) Without prejudice to section 25A of the ^{M32}Local Government (Scotland) Act 1966, a rating authority may reduce or remit any non-domestic rate leviable in respect of lands and heritages for any period in a financial year in which the condition mentioned in sub-paragraph (2) applies to the lands and heritages.
- (2) The condition is—
- (a) that the lands and heritages are within a settlement identified in the rating authority's rural settlement list for the financial year in which the period falls, and
 - (b) that the rateable value of the lands and heritages shown in the valuation roll at the beginning of that financial year is not more than any amount prescribed by the Secretary of State by order.
- (3) Where paragraph 3(2)(c) does not apply, the rating authority must not, by virtue of this paragraph, make a reduction or remission unless they are satisfied that—
- (a) the lands and heritages are used for purposes which are of benefit to the local community, and
 - (b) it would be reasonable for the rating authority to make such a reduction or remission, having regard to the interests of persons liable to pay council tax set by them.

Modifications etc. (not altering text)

C5 Sch. 2 para. 4 excluded (1.4.2000) by S.S.I. 2000/92, **art. 20**

Marginal Citations

M32 1966 c. 51.

Interpretation

- 5 In this Schedule—
- “financial year” means the twelve months ending with 31st March,
 - “non-domestic rate” is to be construed in accordance with section 7B of the ^{M33}Local Government (Scotland) Act 1975,
 - “rateable value” is to be construed in accordance with section 6 of the ^{M34}Valuation and Rating (Scotland) Act 1956.

Marginal Citations

M33 1975 c. 30.

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M34 1956 c. 60.

SCHEDULE 3

Section 33(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Valuation and Rating (Scotland) Act 1956 (c.60)

- 1 After section 6A(1) of the Valuation and Rating (Scotland) Act 1956 (power of Secretary of State to combine and divide lands and heritages) there is inserted—
- “(1A) An order specifying lands and heritages for the purposes of paragraph (a) of subsection (1) above may also provide rules to determine who is to be treated as owner or occupier of any of the specified lands and heritages.”.

Local Government (Financial Provisions etc.) (Scotland) Act 1962 (c.9)

- 2 In section 4 of the Local Government (Financial Provisions etc.) (Scotland) Act 1962 (reduction and remission of rates)—
- (a) in subsection (5) for “the following subsection” there is substituted “subsection (6) or, as the case may be, (6A) of this section”;
 - (b) in subsection (6) for “the following subsection” there is substituted “subsection (7) of this section”, and
 - (c) after subsection (6) there is inserted—
- “(6A) Without prejudice to subsection (6) of this section, where any reduction or remission of rates is determined under subsection (5) of this section in the first six months of a year, the reduction or remission may be granted—
- (a) for the preceding year;
 - (b) for a specified term of years, not exceeding five, beginning not earlier than the preceding year nor more than twenty four months after the date of the determination;
 - (c) for an indefinite period beginning not earlier than the preceding year, subject to the exercise by the rating authority of their powers under subsection (7) of this section.”.

Local Government (Financial Provisions) (Scotland) Act 1963 (c.12)

- 3 In section 19 of the Local Government (Financial Provisions) (Scotland) Act 1963 (certain parks not to be entered in valuation roll), for subsection (1) there is substituted—
- “(1) Subject to subsections (1A) and (1B) below, lands and heritages which consist of a park vested in or under the control of—
- (a) a local authority; or
 - (b) a Minister of the Crown or Government department or any other officer or body exercising functions on behalf of the Crown,

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and any building comprised in any such park which is used for purposes ancillary to those of the park, shall not be entered in the valuation roll.

(1A) Subsection (1)(a) above does not apply to a park from which the local authority derives a net profit.

(1B) Subsection (1)(b) above does not apply unless the park is available for free and unrestricted use by members of the public.

(1C) In construing subsection (1B) above any temporary closure (at night or otherwise) shall be ignored.”.

Local Government Act 1972 (c. 70)

4 The Local Government Act 1972 is amended as follows.

5 In section 6 (term of office and retirement of district and county councillors)—

(a) in subsection (2)(c), for the words from “by an order” to the end there is substituted “ as mentioned in subsection (3) below ”, and

(b) after subsection (2) there is added—

“(3) The number of councillors referred to in subsection (2)(c) above may be provided—

(a) by an order under paragraph 3 of Schedule 3 to this Act;

(b) under or by virtue of the provisions of section 7 below;

(c) by an order under Part II of the Local Government Act 1992; or

(d) by an order under section 14 of the Local Government and Rating Act 1997.”

6 (1) Section 9 (parish meetings and councils) is amended as follows.

(2) Subsections (2), (3) and (5) are omitted.

(3) In subsection (4), for “or Part II of the Local Government Act 1992” there is substituted “ Part II of the Local Government Act 1992 or section 14 of the Local Government and Rating Act 1997, ”.

(4) In subsection (6)—

(a) for “this section” (in the first place it appears) there is substituted “ section 16 of the Local Government and Rating Act 1997 ”, and

(b) for “this section” (in the second place it appears) there is substituted “ section 16 of the Act of 1997 ”.

7 In section 11 (orders for grouping parishes under common parish councils), in subsection (5)—

(a) “section 9 or” is omitted,

(b) after “1992” there is inserted “ or section 16 of the Local Government and Rating Act 1997 ”, and

(c) for “that section or subsection” there is substituted “ subsection (4) above or section 16 of the Local Government and Rating Act 1997 ”.

8 In section 12 (provision supplementary to provisions about parish meetings and councils), in subsection (1), “9” is omitted.

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- 9 In section 16(1) (number of parish councillors), for the words from “shall” to the end there is substituted “ shall not be less than five. ”.
- 10 In paragraph 10 of Schedule 3 (electoral arrangements for certain parish councils), for “or Part II of the Local Government Act 1992” in each place it appears there is substituted “ of this Act, Part II of the Local Government Act 1992 or Part II of the Local Government and Rating Act 1997 ”.

Local Government (Scotland) Act 1975 (c. 30)

- 11 The Local Government (Scotland) Act 1975 is amended as follows.
- 12 In section 2 (alterations to the valuation roll)—
- (a) in subsection (1), paragraph (ee) is omitted,
 - (b) after subsection (1) there is inserted—
 - “(1A) Subject to subsection (2)(cc) below, the assessor for any valuation area shall, as respects that area, alter the roll to give effect to any decision following an appeal or complaint under the Valuation Acts to a court, tribunal or valuation appeal committee and such alteration shall have effect from such date as shall be determined by the court, tribunal or committee.”, and
 - (c) in subsection (2)—
 - (i) in paragraph (c) omit the words in the proviso from “or” (in the second place it appears) to “circumstances” (in the first place it appears) and from “or,” (in the fourth place it appears) to the end, and
 - (ii) in paragraph (cc) for “subsection (1)(ee)” there is substituted “ subsection (1A) ”.
- 13 In section 3 (supplementary valuation provisions)—
- (a) in subsection (1) after “2(1)” there is inserted “ , (1A) ”,
 - (b) in subsection (4) omit the words “at any time while the roll is in force”,
 - (c) after that subsection there is inserted—
 - “(4A) An appeal under subsection (4) above shall be made—
 - (a) on the ground that there has been a material change of circumstances since the entry was made, not more than six months after the roll ceases to be in force;
 - (b) on the ground that there has been such an error in the entry as is referred to in section 2(1)(f) of this Act, at any time while the roll is in force.”
- 14 After section 3 (supplementary valuation provisions) there is inserted —

“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.”

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Valuation and Rating (Exempted Classes) (Scotland) Act 1976 (c. 64)

- 15 In section 2(2) of the Valuation and Rating (Exempted Classes) (Scotland) Act 1976 (supplementary provisions) for “sections 1, 2 and 5(2)” there is substituted “sections 1 and 2”.

Water (Scotland) Act 1980 (c. 45)

- 16 In section 109(1) of the Water (Scotland) Act 1980, for the definition of “agricultural lands and heritages” there is substituted—
 ““agricultural lands and heritages” means any lands and heritages used for agricultural or pastoral purposes only or as woodlands, market gardens, orchards, allotments or allotment gardens and any lands exceeding 1011.75 square metres used for the purpose of poultry farming, but does not include any lands occupied together with a house as a park, garden or pleasure ground or any land kept or preserved mainly or exclusively for sporting purposes”.

Representation of the People Act 1983 (c. 2)

- 17 In section 36 of the Representation of the People Act 1983 (local elections in England and Wales), after subsection (3AB) there is inserted—
 “(3AC) Where the polls at—
 (a) the ordinary election of councillors for any electoral division of a county in England in which there are no district councils or an election to fill a casual vacancy occurring in the office of such a councillor, and
 (b) the ordinary election of parish councillors for any parish or an election to fill a casual vacancy occurring in the office of such a councillor,
 are to be taken on the same day and the elections are for related electoral areas, the polls at those elections shall be taken together.”

National Heritage Act 1983 (c. 47)

- 18 (1) Schedule 1 to the National Heritage Act 1983 is amended as follows.
 (2) In paragraph 2 (status of Board of Trustees of Victoria and Albert Museum)—
 (a) in sub-paragraph (4), for “sub-paragraph (5) and any other” there is substituted “the provisions of any”, and
 (b) sub-paragraph (5) is omitted.
 (3) In paragraph 12 (status of Board of Trustees of Science Museum)—
 (a) in sub-paragraph (4), for “sub-paragraph (5) and any other” there is substituted “the provisions of any”, and
 (b) sub-paragraph (5) is omitted.
 (4) In paragraph 22 (status of Board of Trustees of Armouries)—
 (a) in sub-paragraph (2), for “sub-paragraph (3) and any other” there is substituted “the provisions of any”, and
 (b) sub-paragraph (3) is omitted.

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- (5) In paragraph 32 (status of Board of Trustees of Royal Botanic Gardens, Kew)—
- (a) in sub-paragraph (4), for “sub-paragraph (5) and any other” there is substituted “the provisions of any”, and
 - (b) sub-paragraph (5) is omitted.
- 19 In paragraph 2 of Schedule 3 to the National Heritage Act 1983 (status of the Historic Buildings and Monuments Commission for England)—
- (a) in sub-paragraph (4), for “sub-paragraph (5) and any other” there is substituted “the provisions of any”, and
 - (b) sub-paragraph (5) is omitted.

Dockyard Services Act 1986 (c. 52)

- 20 In section 3(1) of the Dockyard Services Act 1986 (treatment of land in designated dockyards)—
- (a) paragraph (c) and the word “and” preceding it, “or, in Scotland, land or heritages” and “or for public purposes” are omitted, and
 - (b) for “those enactments” there is substituted “that enactment”.

Banking Act 1987 (c. 22)

F33 21

Textual Amendments

F33 Sch. 3 para. 21 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 359

Local Government Finance Act 1988 (c. 41)

- 22 The Local Government Finance Act 1988 is amended as follows.

Commencement Information

I2 Sch. 3 para. 22 wholly in force; Sch. 3 para. 22 not in force at Royal Assent see s. 34; Sch. 3 para. 22 in force for certain purposes at 1.4.1997 by S.I. 1997/1097, art. 2; Sch. 3 para. 22 in force at 1.4.2000 insofar as not already in force by S.I. 1998/2329, art. 3(1)

- 23 In section 47(7) (discretionary relief), after “made” there is inserted “more than six months”.
- 24 In section 59 (contributions in aid), for “Crown hereditament” there is substituted “hereditament which is exempt from local non-domestic rating by virtue of paragraph 19A of Schedule 5 below (property occupied for purposes of visiting forces etc.)”.
- 25 In section 64 (hereditaments), subsections (5) to (7D) are omitted.
- 26 In section 67 (interpretation), after subsection (5) there is inserted—
- “(5A) In subsection (5) above “Crown hereditament” has the same meaning as in section 65A above.”

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- 27 In paragraph 15 of Schedule 5 (exempt parks), in sub-paragraph (3), before paragraph (a) there is inserted—
- “(aa) a Minister of the Crown or Government department or any officer or body exercising functions on behalf of the Crown,”.

National Maritime Museum Act 1989 (c. 8)

- 28 Section 1(6) of the National Maritime Museum Act 1989 (exemption from rates of land occupied for purposes of Museum) is omitted.

Local Government Finance Act 1992 (c. 14)

- 29 In Schedule 12 to the Local Government Finance Act 1992 (payments to local authorities by the Secretary of State), in paragraph 10—
- (a) in sub-paragraph (2)(a), for “any rule of law relating to Crown exemption” there is substituted “ section 7 (exemption for visiting forces etc.) of the Local Government and Rating Act 1997 ”,
- (b) in sub-paragraph (3)(a)—
- (i) in paragraph (ii) “and” is omitted,
- (ii) after paragraph (iii) there is inserted “and
- (iv) paragraph 4 of Schedule 2 (discretionary relief for rural settlements) to the Local Government and Rating Act 1997”.

Commencement Information

- I3** [Sch. 3 para. 29](#) wholly in force; [Sch. 3 para. 29](#) not in force at Royal Assent see [s. 34](#); [Sch. 3 para. 29\(b\)](#) in force at 1.12.1997 by [S.I. 1997/2826](#), [art. 2\(d\)](#); [Sch. 3 para. 29\(a\)](#) in force at 1.4.2000 by [S.I. 1998/2329](#), [art. 3\(1\)](#)

SCHEDULE 4

Section 33(2).

REPEALS

Commencement Information

- I4** [Sch. 4](#) wholly in force; [Sch. 4](#) not in force at Royal Assent see [s. 34](#); [Sch. 4](#) in force for certain repeals at 19.5.1997 by [S.I. 1997/1097](#), [art. 2](#); [Sch. 4](#) in force for certain further repeals at 18.3.1998 by [S.I. 1998/694](#), [art. 2\(c\)](#); [Sch. 4](#) in force at 1.4.2000 insofar as not already in force by [S.I. 1998/2329](#), [art. 3\(1\)](#)

Chapter	Short title	Extent of repeal
1854 c. 91.	The Lands Valuation (Scotland) Act 1854.	Section 20. Sections 24 to 26.

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1867 c. 80.	The Valuation of Lands (Scotland) Amendment Act 1867.	The whole Act.
1894 c. 36.	The Valuation of Lands (Scotland) Acts Amendment Act 1894.	The whole Act.
1928 c. 44.	The Rating and Valuation (Apportionment) Act 1928.	The whole Act.
1929 c. 25.	The Local Government (Scotland) Act 1929.	Section 46.
1930 c. 24.	The Railways (Valuation for Rating) Act 1930.	The whole Act.
1934 c. 22.	The Assessor of Public Undertakings (Scotland) Act 1934.	The whole Act.
1948 c. 26.	The Local Government Act 1948.	Sections 108 and 124.
1952 c. 47.	The Rating and Valuation (Scotland) Act 1952.	Section 1. Section 3. Section 4. Section 5. In section 6(1), the words from “section” where it first appears to “1854.”. Section 7. Section 8(1). The First Schedule.
1954 c. 70.	The Mines and Quarries Act 1954.	Section 191(7).
1956 c. 60.	The Valuation and Rating (Scotland) Act 1956.	Section 20.
1961 c. 34.	The Factories Act 1961.	In section 184(1), the words from the beginning to “aforesaid”.
1966 c. 51.	The Local Government (Scotland) Act 1966.	Section 18.
1972 c. 11.	The Superannuation Act 1972.	In Schedule 6, paragraph 24.
1972 c. 70.	The Local Government Act 1972.	In section 9, subsections (2), (3) and (5).

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		In section 11(5), “section 9 or”.
		In section 12(1), “9”.
1973 c. 65.	The Local Government (Scotland) Act 1973.	In Schedule 9, paragraphs 37 and 40 to 43.
1975 c. 30.	The Local Government (Scotland) Act 1975.	In section 1, in subsection (2), the words from “(including” to “Assessor”))” and in subsection (6), paragraph (e).
		In section 2(1), paragraph (c) (i) and paragraph (g).
		In section 3(2) the words from “other” to “Act” where it first appears.
		Section 5.
		In section 37(1), the definition of “the Assessor”.
		In Schedule 6, in Part I, paragraph 1 and in Part II, paragraphs 2, 3, 7, 8, 9, 17 and 18.
1976 c. 64.	The Valuation and Rating (Exempted Classes) (Scotland) Act 1976.	In section 2, in subsections (1) and (2), paragraph (b) and in subsection (3), the words “or, as the case may be, the Assessor of Public Undertakings (Scotland)”.
1983 c. 47.	The National Heritage Act 1983.	In Schedule 1, paragraphs 2(5), 12(5), 22(3) and 32(5).
		In Schedule 3, paragraph 2(5).
1984 c. 31.	The Rating and Valuation (Amendment) (Scotland) Act 1984.	In Schedule 2, paragraphs 2 to 5, 8, 10, 13(2) and 16.
1984 c. 54.	The Roads (Scotland) Act 1984.	In Schedule 9, paragraph 26.
1985 c. 16.	The National Heritage (Scotland) Act 1985.	Section 20.
1986 c. 44.	The Gas Act 1986.	In Schedule 7, paragraph 7.
1986 c. 52.	The Dockyard Services Act 1986.	In section 3(1), paragraph (c) and the word “and” preceding it, “or, in Scotland, land or

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1988 c. 41.	The Local Government Finance Act 1988.	heritages” and “or for public purposes”. In section 64, subsection (4) (d) and subsections (5) to (7D). Section 65(9). In Schedule 5, paragraphs 10 and 14(3).
1989 c. 8.	The National Maritime Museum Act 1989.	Section 1(6).
1989 c. 42.	The Local Government and Housing Act 1989.	In Schedule 5, paragraphs 33 and 35(2).
1995 c. 45.	The Gas Act 1995.	In Schedule 4, paragraph 8.

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