



Local Government (Scotland) Act 1978

1978 CHAPTER 4

An Act to amend the law relating to the valuation and rating of lands and heritages in Scotland occupied by certain public utilities and bodies and by certain undertakings; to make further provision with respect to payments to the Commissioner for Local Administration in Scotland and his officers; to postpone the repeal of the Burgh Police (Scotland) Acts 1892 to 1911 and of certain local statutory provisions; to make minor amendments to the Countryside (Scotland) Act 1967 and the Local Government (Scotland) Act 1973; and for connected purposes. [23rd March 1978]

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:—

1 Amendment of section 6 of Local Government (Scotland) Act 1975

For section 6 of the Local Government (Scotland) Act 1975 there shall be substituted the following section—

“6 Valuation by formula of certain lands and heritages.

- (1) The Secretary of State may by order—
 - (a) prescribe;
 - (b) make provision for determining by such method, and at such intervals, as may be specified in the order, the rateable value, or aggregate amount of the rateable values, of any lands and heritages specified in Schedule 1 to this Act, or of any class or description of such lands and heritages.
- (2) A rateable value or aggregate amount—
 - (a) prescribed under ; or
 - (b) determined by virtue of,

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

- (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.”.

2 Lands and heritages to which section 6 of Local Government (Scotland) Act 1975 applies

For paragraphs 1 to 4 of Schedule 1 to the Local Government (Scotland) Act 1975 there shall be substituted the following paragraphs—

- “1 (1) Any lands and heritages, occupied for the purposes of a water undertaking, other than—
- (a) lands and heritages occupied and used as a dwelling house; or
 - (b) lands and heritages held by a water authority under a lease for a period not exceeding 21 years.
- (2) In sub-paragraph (1) above—
- “ water undertaking ” means an undertaking, for the supply of water, carried on by—

- (a) a water authority within the meaning of section 148 of the Act of 1973 ; or
 - (b) a water development board within the meaning of section 34 of the Water (Scotland) Act 1967.
- 2 (1) Any lands and heritages occupied by—
- (a) the British Waterways Board, or any subsidiary of that Board, for any purpose concerned with, or supplementary or incidental to, the carriage of goods or passengers by inland waterway or the provision of facilities for traffic by inland waterway ;
 - (b) the National Freight Corporation, or any subsidiary of that Corporation, for any purpose concerned with, or supplementary or incidental to, the carriage of goods by rail; or
 - (c) the British Railways Board, or any subsidiary of that Board, for any purpose concerned with, or supplementary or incidental to, the carriage of goods or passengers by rail,

other than—

- (i) lands and heritages occupied and used as a dwelling house, hotel or place of public refreshment;
- (ii) lands and heritages so let out as to be capable of separate assessment;
- (iii) office premises not situated on operational land of the Board, Corporation or subsidiary (as the case may be);
- (iv) lands and heritages occupied for purposes concerned with the carriage of goods or passengers by road transport or sea transport ;
or
- (v) any harbour:

Provided that the collection and delivery, by road or sea, of parcels, goods or merchandise conveyed or to be conveyed by rail or inland waterway shall be deemed purposes concerned with carriage by rail or inland waterway (as the case may be) and not purposes concerned with carriage by road or sea transport.

(2) in sub-paragraph (1) above—

" harbour " has the same meaning as in the Harbours Act 1964;

" office premises " means lands and heritages used wholly or mainly as an office or for office purposes;

" operational land " means land used for the carrying on of the undertaking of the Board, Corporation or subsidiary (as the case may be), not being land which in respect of its nature and situation is comparable rather with land in general than with land which is used for the purpose of the carrying on of statutory undertakings ;
and

" subsidiary " means a subsidiary as defined by section 154 of the Companies Act 1948; and in this sub-paragraph " office purposes" includes the purposes of administration, clerical work and handling money, " clerical work " includes writing, bookkeeping, sorting papers, filing, typing, duplicating, punching cards or tapes, machine calculating, drawing and the editorial preparation of matter for publication, and " statutory undertakings

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" has the same meaning as in the Town and Country Planning (Scotland) Act 1972.

- 3 (1) Any lands and heritages occupied by the British Gas Corporation, other than—

- (a) lands and heritages occupied and used as a dwelling house;
- (b) a shop, room or other place occupied and used by the Corporation wholly or mainly for the sale, display or demonstration of apparatus or accessories for use by consumers of gas:

Provided that in determining whether any such shop, room or other place is wholly or mainly occupied and used as aforesaid, use for the receipt of payments for gas consumed shall be disregarded;

- (c) lands and heritages held by the Corporation under a lease for a period not exceeding 21 years or let by the Corporation ;
- (d) lands and heritages not used or adapted for use for the purposes of the functions of the Corporation;
- (e) office premises not situated on operational land of the Corporation; or
- (f) lands and heritages occupied and used by the Corporation wholly or mainly for the manufacture of plant or gas fittings.

- (2) In sub-paragraph (1) above—

" office premises " has the same meaning as in paragraph 2(1) of this Schedule; and

" operational land " has the same meaning in relation to the Corporation as it has in the said paragraph 2(1) in relation to any of the bodies specified in sub-paragraph (1)(a), (b) or (c) of that paragraph.

- 4 (1) Any lands and heritages occupied by a Scottish Electricity Board, other than—

- (a) lands and heritages occupied and used as a dwelling house;
- (b) a shop, room or other place occupied and used by the Board wholly or mainly for the sale, display or demonstration of apparatus or accessories for use by consumers of electricity:

Provided that in determining whether any such shop, room or other place is wholly or mainly occupied and used as aforesaid, use for the receipt of payments for electricity consumed shall be disregarded; or

- (c) office premises not situated on operational land of the Board.

- (2) In sub-paragraph (1) above—

" office premises " has the same meaning as in paragraph 2(1) of this Schedule ;

" operational land " has the same meaning in relation to the Board as it has in the said paragraph 2(1) in relation to any of the bodies specified in sub-paragraph (1)(a), (b) or (c) of that paragraph; and

" a Scottish Electricity Board " means either the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board.

4A Subsections (3) and (4) of section 18 of the Local Government (Scotland) Act 1966 shall apply in determining, in relation to a body mentioned in paragraph 2(1)(a), (b) or (c), 3(1) or 4(1) of this Schedule, the question whether office premises are situated on operational land of the body as they apply in determining the like question in relation to an authority to which that section applies.”.

3 Transitional

An order made under section 13 of the Local Government (Financial Provisions) (Scotland) Act 1963 (valuation by formula of certain lands and heritages) shall, notwithstanding any repeal of that section, continue to have effect as if made under section 6 of the Local Government (Scotland) Act 1975; and section 35(2) of the said Act of 1975 shall apply accordingly.

4 Payments to Commissioner for Local Administration and his officers

(1) For sub-paragraph (1) of paragraph 3 of schedule 4 to the Local Government (Scotland) Act 1975, there shall be substituted the following words—

“(1) The designated body shall pay to, or in respect of—

- (a) the Commissioner, or any person holding an appointment under paragraph 4 of this Schedule, such amounts—
 - (i) by way of remuneration or allowances ; or
 - (ii) towards the provision of pensions, allowances or gratuities;
- (b) any person who has held the office of Commissioner, or an appointment under the said paragraph 4, such amounts by way of pensions, allowances or gratuities,

as the Secretary of State may determine; but any such amount which the Secretary of State determines to be payable to, or in respect of, the Commissioner or any person who has held the office of Commissioner shall be subject to the approval of the Minister for the Civil Service.”.

(2) A determination to which this subsection applies and any approval of, or payment in accordance with, that determination shall be deemed to have been validly made or given under the said sub-paragraph if it would have been validly so made or given had that sub-paragraph originally been enacted in the words substituted for that sub-paragraph by subsection (1) above.

(3) Subsection (2) above applies to any determination which—

- (a) was made on or after 16th May 1975 but before the coming into force of this Act; and
- (b) purported to be, but was not validly, made under the said sub-paragraph.

5 Postponement of repeal of Burgh Police (Scotland) Acts 1892 to 1911 and certain local statutory provisions

The repeal of—

- (a) the Burgh Police (Scotland) Acts 1892 to 1911 ; and

(b) the local statutory provisions to which subsection (6) of section 225 of the Local Government (Scotland) Act 1973 applies, which by virtue, respectively, of—

- (i) subsection (1) of section 229 of the said Act of 1973 ; and
- (ii) the said subsection (6),

falls to take place at the end of 1979 shall be postponed until the end of 1982 and accordingly, in each of the said subsections, for the words " 1979 " there shall be substituted the words " 1982 ".

6 Minor amendments

The enactments set out in the Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, being minor amendments.

7 Expenses

There shall be defrayed out of money provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of money so provided under any other enactment.

8 Short title, construction, commencement and extent

- (1) This Act may be cited as the Local Government (Scotland) Act 1978.
- (2) Any reference in this Act to any other enactment shall be construed as referring to that enactment as amended, extended or applied by or under any other enactment, including, unless the context otherwise requires, this Act.
- (3) Paragraph 2 of the Schedule to this Act shall not come into force until 1st January 1979.
- (4) This Act extends to Scotland only.

SCHEDULE

Section 6.

MINOR AMENDMENTS

The Countryside (Scotland) Act 1967 (c.86)

- 1 In section 57(1) (provisions as to byelaws), for the words " 201 " there shall be substituted the words " 202 " .

The Local Government (Scotland) Act 1973 (c.65)

- 2 In section 8 (day of ordinary election), for the word " Tuesday " there shall be substituted the word " Thursday " .
- 3 In section 125(1) (school and college councils), for the word " control" there shall be substituted the word " management " .
- 4 In section 126 (disqualification for membership of education committees etc.) for the words " 127(2) " there shall be substituted the words " 125(4) " .