
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to business improvement districts. Business improvement districts are provided for in Part 9 of the Planning etc. (Scotland) Act 2006 (“the Act”) as areas within which projects specified in the BID arrangements are to be carried out for the benefit of that district or those who live, work or carry on any activity in the district. Those projects are to be financed (in whole or in part) by a BID levy imposed on persons, or a class of persons, depending on the BID proposals. Such persons may be either non domestic ratepayers in the district, or such ratepayers and other eligible owners or tenants. A business improvement district may only be established where those entitled to vote approve the BID proposals, which on approval become BID arrangements.

Regulation 2 provides for the local authority to supply information from its non-domestic rates records to persons developing BID proposals. Authorities may charge for supply of this information.

Regulation 3 specifies the persons who may draw up BID proposals and regulation 4 provides for the proposers notice of intention to hold a ballot. Regulations 5 and 6 specify the procedures to be followed in connection with drawing up of BID proposals. Schedule 1 specifies the matters to be included in BID proposals.

Regulation 7 provides that the returning officer for local elections in the local authority area is to be the ballot holder for any ballot in respect of business improvement districts required under the Act or these Regulations. Regulation 8 and Schedule 2 make provision for the arrangements for holding a ballot and the conduct of a ballot. Regulation 9 provides for joint voting where there is more than one eligible ratepayer, or other person eligible to vote, in respect of a property entered on the valuation roll.

Regulation 10 specifies how votes are allocated to be cast, to those persons entitled to vote in the first part of a ballot for the approval of BID proposals.

Regulation 11 confers a power on the Scottish Ministers to declare a ballot void in cases of material irregularity, and procedures connected with that.

Regulation 12 enables a local authority, or a billing body appointed by an authority, to recover the costs of a BID ballot or a renewal ballot from the BID proposer or BID body in the prescribed circumstances.

Regulation 13 provides for the local authority or the billing body to supply information from its non-domestic rates records for the purpose of canvassing in relation to a ballot. They may charge for supply of this information. Provision is also made for inspection of the information to any person and for the restriction of the use of the information.

Regulation 14 prescribes the matters a local authority must have regard to in deciding to veto BID proposals, and the period within which this is to be done. Regulation 15 makes provision in relation to appeals against the exercise of the veto.

Regulations 16 and Schedule 3 make further provision in relation to the BID Revenue Account.

Provision is also made for the alteration of BID arrangements with or without an alteration ballot (regulations 17 and 18), and the circumstances in which BID arrangements may be terminated (regulation 19).

Regulation 20 provides for the supply of information by the local authority and the billing body to the ballot holder for the purposes of carrying out that person’s functions under the Regulations.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 21 provides for electronic communication of requests, applications and notices.