

This Scottish Statutory Instrument has been made in consequence of defects in S.S.I. 2010/38 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2010 No. 78

RATING AND VALUATION

**The Non-Domestic Rating (Valuation of Utilities) (Scotland)
Amendment (No. 2) Order 2010**

<i>Made</i>	- - - -	<i>3rd March 2010</i>
<i>Laid before the Scottish Parliament</i>		<i>4th March 2010</i>
<i>Coming into force</i>		
<i>Article 6</i>		<i>30th March 2010</i>
<i>Article 5</i>		<i>31st March 2010</i>
<i>Remainder</i>		<i>1st April 2010</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 6A(1)(aa) of the Valuation and Rating (Scotland) Act 1956(a) and section 27(6A), (6B) and (6C) of the Local Government etc. (Scotland) Act 1994(b) and all other powers enabling them to do so.

In accordance with section 6A(1D) of the Valuation and Rating (Scotland) Act 1956(c) and section 27(6D) of the Local Government etc. (Scotland) Act 1994 they have consulted such associations of local authorities and such other persons as they think appropriate.

Citation

1. This Order may be cited as the Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment (No. 2) Order 2010.

Commencement

2. Article 6 comes into force on 30th March 2010.
3. Article 5 comes into force on 31st March 2010.
4. All other articles come into force on 1st April 2010.

(a) 1956 c.60; section 6A(1)(aa) was inserted by section 32(1)(a) of the Local Government in Scotland Act 2003 (asp 1). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 1994 c.39; subsections (6A) to (6D) were inserted by section 32(2)(a) of the Local Government in Scotland Act 2003 (asp 1).

(c) Section 6A(1D) was inserted by section 32(1)(b) of the Local Government in Scotland Act 2003 (asp 1).

Revocations

5. The Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2009(a) is revoked.

6. The Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2010(b) is revoked.

Amendment of the Non-Domestic Rating (Valuation of Utilities) (Scotland) Order 2005

7. The Non-Domestic Rating (Valuation of Utilities) (Scotland) Order 2005(c) is amended in accordance with articles 8 and 9.

Fixed Line Telecommunications

8. After article 7 (railways) insert—

“Fixed Line Telecommunications

7A.—(1) Any lands and heritages which would (apart from this Order) be treated as justifying separate entries in two or more valuation rolls shall be treated for all purposes of the Valuation Acts as justifying only one entry in the valuation roll for Renfrewshire in respect of each fixed line operator if they are—

- (a) occupied by that fixed line operator; and
- (b) occupied by posts, wires, fibres, cables and ducts, telephone kiosks, towers, masts, switching equipment or other equipment, or by servitudes or wayleaves, being property used by that fixed line operator wholly or mainly for the purposes of monitoring, processing or transmission of communications signals for the provision of telecommunications services.

(2) A “fixed line operator” for the purposes of this article, is any of the companies registered at the date of this Order with the following names and registration numbers:

Company name	Registration number
AOL (UK) Limited	03462696
AtlasConnect Limited	SC241790
Be Un Limited	05262862
British Telecommunications Public Limited Company	01800000
Cable and Wireless Public Limited Company	00238525
Easynet Limited	02954343
Entanet International Limited	03274237
Gamma Telecom Ltd	04340834
GEO Networks Limited	04614924
Global Crossing (UK) Telecommunications Limited	02495998
Lumison Limited	SC236128
NEOS Networks Limited	03477297
NTL Business Limited	03076222

(a) S.S.I. 2009/112, which would come into force on 1st April 2010 if not revoked.

(b) S.S.I. 2010/38, article 2 of which would come into force on 31st March 2010 and the remainder of which would come into force on 1st April 2010 if not revoked.

(c) S.S.I. 2005/127, amended by S.S.I. 2005/320 and 2009/196.

Opal Telecom Limited	03849133
Orange Limited	03110666
Pipex Broadband Limited	03137499
Pipex Communications Services Limited	03059016
Smallworld Cable Limited	05679836
SSE Telecommunications Limited	SC213457
Telefónica O2 UK Limited	01743099
The JNT Association	02881024
Thus Group Holdings plc	SC192666
Tiscali UK Limited	03408171
Verizon UK Limited	02776038
Virgin Media Limited	02591237
Vtesse Networks Limited	03900836.”.

9.—(1) At the end of column 1 in the Schedule (designated assessors for the valuation of utilities) insert a new entry “Assessor for the Renfrewshire Valuation Joint Board”.

(2) At the end of column 2 in the Schedule insert a new entry “The lands and heritages specified in article 7A (Fixed Line Telecommunications).”.

St Andrew’s House,
Edinburgh
3rd March 2010

JOHN SWINNEY
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes two earlier orders, which are not yet in force, both amending the Non-Domestic Rating (Valuation of Utilities) (Scotland) Order 2005 (“the 2005 Order”). The Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2010 (“the 2010 Order”) was made to replace the Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2009 (“the 2009 Order”) in order to add three new fixed line operators to the table forming part of article 7A(2) to be inserted into the 2005 Order.

This Order incorporates those amending provisions in the earlier orders and is necessary to make minor changes to the table.

Article 5 revokes the 2009 Order and comes into force on 31st March 2010.

Article 6 revokes the 2010 Order and comes into force on 30th March 2010.

The amending provisions in articles 7, 8 and 9 come into force on 1st April 2010.

Article 8 specifies the lands and heritages to be valued within the fixed line telecommunications industry, where these are occupied by a specified fixed line telecommunication operator. Where these lands and heritages would otherwise be treated as justifying separate entries in two or more valuation rolls, they are to be treated as justifying one entry in the valuation roll for Renfrewshire in respect of each operator.

The effect is that one assessor is designated to value all lands and heritages covered by this Order. That assessor has the powers of the assessors for the local valuation areas. Any appeals would be heard by the Renfrewshire joint board’s valuation appeal committee.

© Crown Copyright 2010

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen’s Printer for Scotland.