

SCHEDULE

Regulations 2 and 3

CONDITIONS FOR THE PURPOSES OF REGULATIONS 2 AND 3

PART 1

The conditions specified in this Part are that—

- (a) the lands and heritages are—
 - (i) the subject of a building preservation notice within the meaning of section 3(1) of the 1997 Act;
 - (ii) included in a list compiled under section 1 of the 1997 Act⁽¹⁾; or
 - (iii) included in the Schedule of Monuments compiled under section 1 of the Ancient Monuments and Archaeological Areas Act 1979⁽²⁾;
- (b) the rateable value of the lands and heritages is less than £1700;
- (c) the person entitled to possession of the lands and heritages is so entitled by virtue only of being—
 - (i) the trustee under a trust deed for creditors;
 - (ii) the trustee under an award of sequestration; or
 - (iii) the executor of the estate of a deceased person;
- (d) the person entitled to possession of the lands and heritages is so entitled in that person's capacity as liquidator by virtue of an order made under section 112 or section 145 of the 1986 Act;
- (e) the owner of the lands and heritages is a company or limited liability partnership which is subject to a winding-up order made under the 1986 Act or which is being wound up voluntarily under that Act;
- (f) the owner of the lands and heritages is a company or limited liability partnership, which on or after 1st April 2008—
 - (i) remains subject to an administration order made under Part II of the 1986 Act; or
 - (ii) is in administration within the meaning of paragraph 1 of schedule B1 of that Act.

PART 2

The conditions specified in this Part are that—

- (a) an entry is made in respect of relevant lands and heritages onto the roll on or after 1st April 2013, but no later than 31st March 2018, in pursuance of section 2(1)(b) of the 1975 Act (entries as a result of lands and heritages having come into existence or occupancy);
- (b) the entry is not made as a result of—
 - (i) the combination or division of lands and heritages which are already entered on that roll, in whole or in part; or
 - (ii) the refurbishment or change of use of an existing building (and for these purposes a building includes domestic property and a building on relevant lands and heritages which are exempt from a requirement to pay rates);

⁽¹⁾ Section 1 was amended by section 22(2) and paragraph 2 of schedule 3 of the Historic Environment Scotland Act 2014 (asp 19).

⁽²⁾ 1979 c.46; section 1 was amended by paragraph 25 of schedule 4 of the National Heritage Act 1983 (c.47) and paragraph 2 of Part 2 of schedule 2 of the Historic Environment Scotland Act 2014.

Status: This is the original version (as it was originally made).

- (c) the lands and heritages are unoccupied at the time the entry is made;
- (d) the person entitled to possession of the lands and heritages has submitted an application to the rating authority in whose roll the entry for the lands and heritages appears, requesting that this Part apply to the lands and heritages, along with such information as is necessary for that authority to establish that the conditions in paragraphs (b) and (c) are met and an application under Part 1A of the schedule of the 1994 Regulations is deemed to be an application for the purpose of this paragraph;
- (e) the application for this Part to apply to the lands and heritages relates to a day in the financial years 2013/14 to 2019/2020; and
- (f) where an application has been granted to apply this Part to the lands and heritages, no longer than 15 months have elapsed since they were entered onto the roll as referred to in paragraph (a), or where the lands and heritages have been occupied for some or all of that 15 month period, no longer than a period of 15 months plus the period or periods of occupation have so elapsed.

PART 3

The conditions specified in this Part are that—

- (a) the owner of the lands and heritages is prohibited by law from occupying them or allowing them to be occupied;
- (b) the lands and heritages are kept vacant by reason of action taken by or on behalf of the Crown or any local or public authority with a view to prohibiting the occupation of the lands and heritages or to acquiring them.

PART 4

The conditions specified in this Part are that—

- (a) the owner of the lands and heritages is prohibited by law from occupying the unoccupied part or allowing it to be occupied;
- (b) the unoccupied part of the lands and heritages is kept vacant by reason of action taken by or on behalf of the Crown or any local or public authority with a view to prohibiting the occupation of that part or to acquiring it.