
STATUTORY INSTRUMENTS

1992 No. 1794 (S.182)

RATING AND VALUATION

**The British Telecommunications
plc. (Rateable Values) (Scotland) Order 1992**

Made - - - - - *16th July 1992*
Coming into force - - - - - *17th July 1992*

The Secretary of State, in exercise of the powers conferred on him by sections 6, 35 and 37(1) of the Local Government (Scotland) Act 1975((1)) and of all other powers enabling him in that behalf, and after consultation with such associations of local authorities, and of persons carrying on undertakings, as appeared to him to be concerned, and with such local authorities, persons, or associations of persons with whom consultation appeared to him to be desirable, all in accordance with section 6(4) of the said Act, hereby makes the following Order, a draft of which has been laid before and has been approved by resolution of each House of Parliament:

Citation, commencement and date of effect

1.—(1) This Order may be cited as the British Telecommunications plc. (Rateable Values) (Scotland) Order 1992 and shall come into force on the day after the day on which it is made.

(2) This Order shall in accordance with section 6(6) of the 1975 Act have effect as from 1st April 1992.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“the 1975 Act ” means the Local Government (Scotland) Act 1975;

“British Telecom ” means the company registered at the date of this Order by the name of British Telecommunications plc.;

“financial year ” means the period of twelve months beginning with 1st April;

(1) 1975 c. 30; section 6(1) to (7) was substituted by the Local Government (Scotland) Act 1978 (c. 4), section 1, and section 6(1) subsequently amended by the Local Government Finance Act 1988 (c. 41), Schedule 12, paragraph 11 and by the Local Government Finance Act 1992 (c. 14), Schedule 13, paragraph 42; section 6(1A) was inserted by the Local Government and Housing Act 1989 (c. 42), Schedule 6, paragraph 18; section 37(1) contains a definition of “prescribed ” which is relevant to the exercise of the powers under which this Order is made.

“non-domestic water rate ” shall be construed in accordance with the provisions of section 40 of the Water (Scotland) Act 1980((2)); and

“prescribed class of lands and heritages ” means the class of lands and heritages prescribed for the purposes of section 6(1) of the 1975 Act in article 3 of this Order.

(2) Any reference in this Order to—

- (a) lands and heritages occupied by British Telecom includes a reference to lands and heritages which, if unoccupied, are owned by British Telecom; and
- (b) lands and heritages used for any purpose includes a reference to lands and heritages which are unused but in relation to which it appears that, when next in use, they will be used for such a purpose.

Prescribed class of lands and heritages

3. The following class of lands and heritages is hereby prescribed for the purposes of section 6(1) of the 1975 Act, namely any lands and heritages in Scotland occupied by any posts, wires, underground cables and ducts, telephone kiosks, switchgear and other equipment not within a building, or by servitudes or wayleaves, and being lands and heritages occupied by British Telecom and used for the purposes of telecommunications services.

Non-domestic water rate

4. The non-domestic water rate shall not be leviable in respect of the prescribed class of lands and heritages in respect of the financial year 1992-93.

Aggregate amount of rateable values for financial year 1992-93

5. For the purposes of section 6(1) of the 1975 Act, the aggregate amount of the rateable values of the prescribed class of lands and heritages for the financial year 1992-93 is hereby prescribed as £17,300,139.

Apportionment of aggregate amount of rateable values

6. For the purposes of section 6(2) of the 1975 Act, the aggregate amount of the rateable values of the prescribed class of lands and heritages for the financial year 1992-93 which is prescribed by article 5 shall be apportioned among the local authorities specified in column 1 of the Schedule to this Order in the amount shown opposite to the name of each such local authority in column 2 of that Schedule.

Amendment of enactments

7. For the purposes of section 6(5) of the 1975 Act, the following amendments shall be made to the enactments specified in articles 8 and 9 below in their relation to the valuation of the prescribed class of lands and heritages for the financial year 1992-93.

8. In section 6(1) of the Valuation and Rating (Scotland) Act 1956((3)), after the words “this Act ”, there shall be inserted the words “and to any Order made by the Secretary of State under section 6 of the Local Government (Scotland) Act 1975”.

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- (2) 1980 c. 45; section 40 was substituted by the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47), Schedule 5, paragraph 29, and amended by the Local Government and Housing Act 1989, Schedule 6, paragraph 16 and Schedule 12, Part II.
 - (3) 1956 c. 60; section 6(1) was amended by the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47), Schedule 6 and the Local Government and Housing Act 1989 (c. 42), Schedule 6, paragraph 3.

9.—(1) Section 2(1)(c) of the 1975 Act shall be amended by inserting at the end the following:—

“(iii) upon their ceasing to be lands and heritages within the class of lands and heritages prescribed in the British Telecommunications plc. (Rateable Values) (Scotland) Order 1992 (hereinafter in this Act referred to as “the 1992 Order”);”.

(2) Section 2(1)(d) of that Act shall be amended by inserting after the words “lands and heritages” the following words:—

“(other than lands and heritages within the class of lands and heritages prescribed in the 1992 Order)”.

(3) After paragraph (g) of section 2(1) of that Act, there shall be inserted the following paragraphs:—

“(gg) by deleting therefrom, with effect from 1st April 1992, any lands and heritages within the class of lands and heritages prescribed in the 1992 Order which were entered in the roll before the date of coming into force of that Order;

(ggg) by entering therein, with effect from 1st April 1992, any lands and heritages within the class of lands and heritages prescribed in the 1992 Order together with the rateable values apportioned by that Order to the local authorities whose areas comprise or form part of the valuation area;”.

(4) In section 3(2) of that Act, for the words from “and any such person” to the end, there shall be substituted the following:—

“and, where the entry relates to any lands and heritages within the class of lands and heritages prescribed in the 1992 Order, any such person may at any time while the roll is in force appeal against the entry but only on the ground that there is a clerical error in that entry.”.

(5) In section 3(4) of that Act, after the words “lands and heritages” where they appear for the first time, there shall be inserted the following:—

“(other than lands and heritages within the class of lands and heritages prescribed in the 1992 Order)”.

Revocations

10. The British Telecommunications plc. (Rateable Values) (Scotland) Order 1990((4)) and the British Telecommunications plc. (Rateable Values) (Scotland) Order 1991((5)) are hereby revoked.

St. Andrew’s House,
Edinburgh
16th July 1992

Allan Stewart
Parliamentary Under Secretary of State, Scottish
Office

(4) S.I.1990/821.
(5) S.I. 1991/941.

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

SCHEDULE

Article 6

Apportionment of aggregate amount of rateable values of prescribed class of lands and heritages for financial year 1992-93

(1) Local authority	(2) Apportioned amount
District Councils:—	£
Berwickshire	67,276
Ettrick and Lauderdale	131,784
Roxburgh	123,633
Tweeddale	51,070
Clackmannan	117,776
Falkirk	411,420
Stirling	292,822
Annandale and Eskdale	110,786
Nithsdale	195,983
Stewartry	83,110
Wigtown	101,442
Dunfermline	365,249
Kirkcaldy	430,659
North East Fife	213,122
City of Aberdeen	1,062,103
Banff and Buchan	274,481
Gordon	218,834
Kincardine and Deeside	145,038
Moray	263,670
Badenoch and Strathspey	47,733
Caithness	91,996
Inverness	262,699
Lochaber	76,996
Nairn	30,722
Ross and Cromarty	168,500
Skye and Lochalsh	50,488
Sutherland	55,237
East Lothian	235,027
City of Edinburgh	2,059,890

(1) Local authority	(2) Apportioned amount
Midlothian	198,871
West Lothian	424,867
Argyll and Bute	255,430
Bearsden and Milngavie	101,780
Clydebank	149,222
Clydesdale	149,359
Cumbernauld and Kilsyth	177,578
Cumnock and Doon Valley	99,979
Cunninghame	382,266
Dumbarton	222,111
East Kilbride	255,190
Eastwood	112,078
City of Glasgow	2,742,210
Hamlilton	315,048
Inverclyde	250,531
Kilmarnock and Loudoun	232,160
Kyle and Carrick	386,589
Monklands	262,588
Motherwell	376,385
Renfrew	663,171
Strathkelvin	206,345
Angus	295,992
City of Dundee	590,504
Perth and Kinross	455,127
<i>Islands Councils:—</i>	
Orkney	75,926
Shetland	87,640
Western Isles	91,645

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the valuation for the financial year 1992-93 of certain lands and heritages occupied by British Telecommunications plc. (article 3) (“the prescribed class of lands and heritages”).

The Order prescribes the aggregate amount of the rateable values of the prescribed class of lands and heritages for that financial year at £17,300,139 (article 5). It also apportions that aggregate amount among local authorities in accordance with the Schedule to the Order (article 6).

The Order provides that the non-domestic water rate shall not be leviable in respect of the prescribed class of lands and heritages for that financial year (article 4).

The Order amends certain enactments relating to the valuation of the prescribed class of lands and heritages and revokes Orders for financial years 1990-91 and 1991-92 concerning British Telecommunications plc. (articles 7 to 10).

By virtue of section 6(6) of the Local Government (Scotland) Act 1975, as amended, the Order has effect from 1st April 1992.