
STATUTORY INSTRUMENTS

1993 No. 884 (S.120)

RATING AND VALUATION

**The Mercury Communications Ltd.
(Rateable Values) (Scotland) Order 1993**

Made - - - - - *19th March 1993*

Coming into force - - - - - *1st April 1993*

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 and commencement

1. This Order may be cited as the Mercury Communications Ltd. (Rateable Values) (Scotland) Order 1993 and shall come into force on 1st April 1993.

Interpretation

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

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

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

“Mercury” means the company registered at the date of this Order by the name of Mercury Communications Ltd.;

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

(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 substituted by the Local Government Finance Act 1988 (c. 41), Schedule 12, paragraph 11 and amended 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.

(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, paragraphs 16 and 18 and Schedule 12, Part II and by the Local Government Finance Act 1992, Schedule 11, paragraph 31.

“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 Mercury includes a reference to lands and heritages which, if unoccupied, are owned by Mercury; 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, towers, masts, switchgear and other equipment, or by servitudes or wayleaves, and being lands and heritages occupied by Mercury 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 1993-94.

Aggregate amount of rateable values for financial year 1993-94

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 1993-94 is hereby prescribed as £570,536.

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 1993-94 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. 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 1993-94.

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”.

- 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 Mercury Communications Ltd. (Rateable Values) (Scotland) Order 1993 (hereinafter in this Act referred to as “the 1993 Order”);”.

(3) 1956 c. 60; section 6(1) was amended by the Abolition of Domestic Rates Etc. (Scotland) Act 1987, Schedule 6 and the Local Government and Housing Act 1989, Schedule 6, paragraph 3.

(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 1993 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 1993, any lands and heritages within the class of lands and heritages prescribed in the Mercury Communications Ltd. (Rateable Values) (Scotland) Order 1992(4) which were entered in the roll immediately before that date;

(ggg) by entering therein, with effect from 1st April 1993, any lands and heritages within the class of lands and heritages prescribed in the 1993 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 1993 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 1993 Order)”.

Revocation

10. The Mercury Communications Ltd. (Rateable Values) (Scotland) Order 1992 is hereby revoked.

St Andrew’s House,
Edinburgh
19th March 1993

Allan Stewart
Parliamentary Under Secretary of State, Scottish
Office

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 1993-94

(1) Local authority	(2) Apportioned amount £
District Councils:—	
Berwickshire	57,054
Annandale and Eskdale	5,705
Nithsdale	22,821
Dunfermline	45,643
City of Aberdeen	5,706
Gordon	22,821
Kincardine and Deeside	28,527
East Lothian	5,705
City of Edinburgh	182,572
West Lothian	11,411
Cunninghame	5,705
East Kilbride	5,705
Eastwood	5,705
City of Glasgow	96,992
Kilmarnock and Loudoun	5,705
Monklands	17,116
Renfrew	5,705
Angus	11,411
Perth and Kinross	28,527

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the valuation for the financial year 1993-94 of certain lands and heritages occupied by Mercury Communications Ltd. (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 £570,536 (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 the Order for financial year 1992-93 concerning Mercury Communications Ltd. (articles 7 to 10).