
STATUTORY INSTRUMENTS

1994 No. 2075

**The Mercury Communications Ltd.
(Rateable Values) (Scotland) Order 1994**

Citation, commencement and date of effect

1.—(1) This Order may be cited as the Mercury Communications Ltd. (Rateable Values) (Scotland) Order 1994 and shall come into force on the day after the day on which it is made.

(2) This Order shall have effect as from 1st April 1994⁽¹⁾.

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

“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.

(1) In terms of subsection (6) of section 6 of the 1975 Act, an order under that section may provide that the order shall have effect as from the beginning of the financial year in which it 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.

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 1994-95.

Aggregate amount of rateable values for financial year 1994-95

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 1994-95 is hereby prescribed as £1,057,753.

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 1994-95 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 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 1994-95.

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 1994 (hereinafter in this Act referred to as “the 1994 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 1994 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 1994, any lands and heritages within the class of lands and heritages prescribed in the 1994 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 1994, any lands and heritages within the class of lands and heritages prescribed in the 1994 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 1994 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.

(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.

(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 1994 Order)”.

Revocation

10. The Mercury Communications Ltd. (Rateable Values) (Scotland) Order 1993(4) is hereby revoked.

St Andrew’s House,
Edinburgh
29th July 1994

Allan Stewart
Parliamentary Under Secretary of State, Scottish
Office