Planning etc. (Scotland) Act 2006
2006 asp 17

PART 9

BUSINESS IMPROVEMENT DISTRICTS

Procedure

40   Approval in ballot

(1) BID proposals are not to be regarded as approved by a ballot held for the purposes of section 38(1) unless four conditions are satisfied.

(2) Except where section 41 applies, the four conditions are those set out in subsections (3), (4), (5) and (6).

(3) The first condition is that the number of votes cast in favour of the BID proposals exceeds the number of votes cast against those proposals.

(4) The second condition is that A exceeds B.

(5) The third condition is that at least 25% of the persons entitled to vote in the ballot have done so.

(6) The fourth condition is that the total of A plus B is equal to at least 25% of the aggregate of the rateable values of all lands and heritages in respect of which a person is entitled to vote in the ballot.

(7) Except in the case referred to in subsection (9), "A" is the aggregate of the rateable values of the lands and heritages in respect of which a person voting in the ballot has voted in favour of the BID proposals.

(8) Except in the case referred to in subsection (9), "B" is the aggregate of the rateable values of the lands and heritages in respect of which a person voting in the ballot has voted against the BID proposals.

(9) The Scottish Ministers may by regulations made by statutory instrument make provision as to the meaning of "A" and "B" in the case of a ballot following on the submission of a statement which specifies entitlement to vote in accordance with sub-paragraph (ii) of section 39(3)(a).

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(10) Regulations under subsection (9) may delegate functions in connection with the calculation of "A" and "B" to the persons who have drawn up the BID proposals which are the subject of the ballot.

(11) For the purposes of subsections (6), (7) and (8), the rateable value of lands and heritages is that shown on the valuation roll on the day of the ballot.