
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 91

The Railtrack plc (Rateable Values) (Scotland) Order 2000

Citation and commencement

1. This Order may be cited as the Railtrack plc (Rateable Values) (Scotland) Order 2000 and shall come into force on 1st April 2000.

Interpretation

2.—(1) In this Order—

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

“clerical work” includes writing, book-keeping, typing, filing, duplication, sorting papers or information, calculating (whether by manual, mechanical or electronic means), drawing, and the editorial preparation of matter for publication;

“the Company” means Railtrack plc;

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

“office premises” means any lands and heritages constructed or adapted as offices or for office purposes, or used wholly or mainly for such purposes;

“office purposes” includes the purposes of administration and clerical work and handling money;

“operational land”, in relation to the Company, means land which is used for the purposes of carrying on the undertaking of the Company, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used for the purposes of

carrying on of statutory undertakings (within the meaning of section 214 of the Town and Country Planning (Scotland) Act 1997(1)); 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 the Company includes a reference to lands and heritages which, if unoccupied, are owned by the Company; 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.—(1) 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 (other than the lands and heritages mentioned in paragraph (2) below) occupied by the Company and used wholly or mainly

for the purposes of the parts of the undertaking of the Company which are concerned with the carriage of goods and passengers by rail, or for purposes ancillary to those purposes (including the purpose of exhibiting advertisements).

(2) The lands and heritages mentioned in this paragraph are lands and heritages consisting of or comprising—

- (a) premises used as a shop, hotel, museum or place of public refreshment;
- (b) premises used wholly or mainly as office premises occupied by the Company which are not situated on operational land of the Company;
- (c) premises (other than premises used in connection with the collection and delivery of parcels, goods or merchandise conveyed or to be conveyed by rail) used wholly or in part for purposes concerned with the carriage of goods or passengers by road transport or sea transport or with harbours, or for purposes incidental to such purposes;
- (d) premises used for more than one of the foregoing purposes; or
- (e) premises or rights so let out as to be capable of separate assessment.

Aggregate amount of rateable values for financial year 2000-01 and subsequent financial years

4. 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 2000-01 and for any subsequent financial year, is hereby prescribed as £18,417,000.

Apportionment of aggregate amount of rateable values

5. 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 which is prescribed by article 4 above 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

6. The following amendments shall be made to the enactments specified in articles 7 and 8 below in their relation to the valuation of the prescribed class of lands and heritages for the financial year 2000-01 and for each subsequent financial year.

7. In section 6(1) of the Valuation and Rating (Scotland) Act 1956(2), after the words “this Act”, there shall be inserted the words “and to any Order made by the Scottish Ministers under section 6 of the Local Government (Scotland) Act 1975”.

8.—(1) Section 2(1)(c) of the 1975(3) 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 Railtrack plc (Rateable Values) (Scotland) Order 2000 (hereinafter in this Act referred to as “the 2000 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 2000 Order)”.

(2) 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.

(3) Section 2(1)(c)(i) was repealed by the Local Government and Rating Act 1997 (c. 29), Schedule 4.

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

“(ff) by entering therein any lands and heritages within the class of lands and heritages prescribed in the 2000 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 paragraph (a) of section 2(2) of that Act, after the words “subsection (1)(a)” there shall be inserted the words “or (ff)”.

(5) In section 3(4) of that Act⁽⁴⁾, 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 2000 Order)”.

Revocation

9. The Railtrack PLC (Rateable Values) (Scotland) Order 1995⁽⁵⁾ is hereby revoked.

St Andrew’s House,
Edinburgh
20th March 2000

JACK McCONNELL
A member of the Scottish Executive

(4) Section 3(4) was amended by the Local Government and Rating Act 1997, Schedule 3, paragraph 13(b).

(5) S.I.1995/929.