

Status: Point in time view as at 01/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (repealed), SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 25.

WATER AND SEWERAGE CHARGES

Textual Amendments applied to the whole legislation

- F1** Act repealed (*prosp.*) by [Local Government Finance Act 1992 \(c. 14\)](#), ss. 117(2), 119(2)(c), [Sch.14](#) (with s. 118(1)(2)(4) and saving in s. 118(3) and subject to a saving for Sch. 2 para. 7A (16.8.1993) by [S.I. 1993/1780](#), [art. 2](#) and subject to amendments (11.6.1996) by [1995 c. 18](#), s. 41(4), [Sch. 2 para. 10](#); [S.I. 1996/1509](#), [art. 2](#), [Sch.](#) and (29.11.1999 for specified purposes, otherwise *prosp.*) by [1998 c. 14](#), ss. 86(1), 87(2), [Sch. 7 para. 15](#); [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#) (subject to transitional provisions in [Schs. 21-23](#)) The repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#) was brought into force (1.4.1992) as regards Sch. 1 para. 19 by [S.I. 1992/818](#), [para. 2\(b\)](#), [Sch.](#)
- The repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#) was brought into force (1.10.1992) as regards ss. 3A, 9, 10(7A), 11B, 28, Sch. 2 paras. 1(2), 2(1), Sch. 5 paras. 2-5, 9, 10, 14, 15, 17, 18, 19, 21, 25 by [S.I. 1992/2183](#), [art. 2\(d\)](#), [Sch.](#) (with savings in [art. 3](#))
- The repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#) was brought into force (1.4.1993) as regards ss. 1-7, 14, 18(2A), 20(10), 25(1)(3), words in s. 26(1), ss. 26(2), 27, 33, Sch. 1, Sch. 3 paras. 1-4, 5(1), 7, Sch. 5 paras. 1, 6, 12, 13, 16, 19A, 20, 22-24, 26-49 by [S.I. 1993/575](#), [art. 2](#), [Sch.](#) (with savings in [arts. 4, 5\(b\)](#))

PART 1

CHARGES FOR WATER SERVICES

- 1 Subject to the provisions of this Part of this Schedule, the expenditure incurred by the council of a region or islands area (in this Schedule referred to as a “local authority”) in meeting any requisition under Part IV or VIII of the ^{M1}1980 Act and in the exercise of any of their functions under any enactment in relation to water supply in their region or area shall, insofar as not otherwise met, be met out of—
- the charges (hereinafter in this Schedule referred to as “direct charges”) made under section 49 of the 1980 Act (which relates to the payment for water supplies by meter);
 - the community water charges mentioned in paragraph 6 below; and
 - the non-domestic water rate mentioned in paragraph 12 below.

Marginal Citations

- M1** [1980 c. 45\(130\)](#).

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Estimation and apportionment of expenditure

F12

Textual Amendments
F1 Sch. 5 para. 2: the repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch. 14](#) (with s. 118(1)(2)(4) and saving in s. 118(3)) was brought into force (1.10.1992) as regards Sch. 5 para. 2 by [S.I. 1992/2183](#), [art. 2\(d\)](#), Sch. (with art. 3).

F23

Textual Amendments
F2 Sch. 5 para. 3: the repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch. 14](#) (with s. 118(1)(2)(4) and saving in s. 118(3)) was brought into force (1.10.1992) as regards Sch. 5 para. 3 by [S.I. 1992/2183](#), [art. 2\(d\)](#), Sch. (with art. 3).

F34

Textual Amendments
F3 Sch. 5 para. 4: the repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch. 14](#) (with s. 118(1)(2)(4) and saving in s. 118(3)) was brought into force (1.10.1992) as regards Sch. 5 para. 4 by [S.I. 1992/2183](#), [art. 2\(d\)](#), Sch. (with art. 3).

Direct charges

F45

Textual Amendments
F4 Sch. 5 para. 5: the repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch. 14](#) (with s. 118(1)(2)(4) and saving in s. 118(3)) was brought into force (1.10.1992) as regards Sch. 5 para. 5 by [S.I. 1992/2183](#), [art. 2\(d\)](#), Sch. (with art. 3).

Community water charges

6 There shall be imposed, in accordance with the provisions of this Part of this Schedule, three community water charges, to be known respectively as the personal community water charge, the standard community water charge and the collective community water charge.

Liability to pay community water charges

7 Where in respect of any financial year or any part of a financial year the qualifying conditions mentioned in paragraph 8 below are met, any person who is liable to pay any of the community charges mentioned in section 7 of this Act (that is, the personal community charge, the standard community charge or the collective

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community charge) shall also be liable to pay the corresponding community water charge (that is, the personal community water charge, the standard community water charge or the collective community water charge).

- 8 the qualifying conditions for the purposes of paragraph 7 above are—
- (a) that the water authority provides a supply of water for domestic purposes within the meaning of section 7 of the 1980 Act (which defines that term) to premises—
 - (i) in which that person has his sole or main residence, or
 - (ii) in respect of which he is liable to pay the standard community charge or, as the case may be, the collective community charge; and
 - (b) that the water is not wholly supplied to those premises by meter [^{F5}and]
 - [^{F6}(c) that the supply of water provided is not one which the water authority were, immediately before 16 May 1949, and continue to be under an obligation to provide free of charge.]

Textual Amendments

- F5** Word added by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), s. 145, [Sch. 6 para. 26](#)
F6 [Sch. 5 para. 8\(c\)](#) added by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), s. 145, [Sch. 6 para. 26](#)

Determination of community water charges

^{F7}9

Textual Amendments

- F7** [Sch. 5 para. 9](#): the repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch. 14](#) (with s. 118(1)(2)(4) and saving in s. 118(3)) was brought into force (1.10.1992) as regards [Sch. 5 para. 9](#) by [S.I. 1992/2183](#), [art. 2\(d\)](#), [Sch.](#) (with art. 3).

^{F8}10

Textual Amendments

- F8** [Sch. 5 para. 10](#): the repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch. 14](#) (with s. 118(1)(2)(4) and saving in s. 118(3)) was brought into force (1.10.1992) as regards [Sch. 5 para. 10](#) by [S.I. 1992/2183](#), [art. 2\(d\)](#), [Sch.](#) (with art. 3).

11 Subject to paragraphs 7 and 8 above, the provisions of Part II of and [^{F9}Schedules 1A and] 2 to this Act shall have effect, subject to such adaptations, exceptions and modifications as may be prescribed, in relation to the community water charges as they have effect in relation to the corresponding community charges.

Textual Amendments

- F9** Words substituted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 38](#)

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Non-domestic water rate

12 The provisions of section 40 of the 1980 Act, as substituted by paragraph 29 of this Schedule, shall have effect in relation to the non-domestic water rate.

PART II

CHARGES FOR SEWERAGE SERVICES

13 The expenditure incurred by a local authority in carrying out any of their functions under the 1968 Act shall, insofar as not otherwise met, be met out of—
(a) the community charges; and
(b) the non-domestic sewerage rate described in paragraphs 19 to 21 below

Estimation and apportionment of expenditure

^{F10}14

Textual Amendments
F10 Sch. 5 para. 14: the repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch. 14](#) (with s. 118(1)(2)(4) and saving in s. 118(3)) was brought into force (1.10.1992) as regards Sch. 5 para. 14 by S.I. 1992/2183, [art. 2\(d\)](#), Sch. (with art. 3).

^{F11}15

Textual Amendments
F11 Sch. 5 para. 15: the repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch. 14](#) (with s. 118(1)(2)(4) and saving in s. 118(3)) was brought into force (1.10.1992) as regards Sch. 5 para. 15 by S.I. 1992/2183, [art. 2\(d\)](#), Sch. (with art. 3).

16 The proportion of the expenditure mentioned in paragraph 13 above which is to be met out of the community charges shall be such proportion as the local authority consider to be reasonably attributable to the provision by them of the sewerage services mentioned in section 1(1) of the ^{M2}1968 Act to premises in their area—
(a) which are the sole or main residence of any person; or
(b) in respect of which a person is liable to pay a standard community charge or a collective community charge; and
no part of that proportion shall be met out of any other charge or rate leviable by the local authority.

Marginal Citations
M2 1968 c. 47.

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F12 17

Textual Amendments

F12 Sch. 5 para. 17: the repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch. 14](#) (with s. 118(1)(2)(4) and saving in s. 118(3)) was brought into force (1.10.1992) as regards Sch. 5 para. 17 by [S.I. 1992/2183](#), [art. 2\(d\)](#), Sch. (with art. 3).

F13 18

Textual Amendments

F13 Sch. 5 para. 18: the repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch. 14](#) (with s. 118(1)(2)(4) and saving in s. 118(3)) was brought into force (1.10.1992) as regards Sch. 5 para. 18 by [S.I. 1992/2183](#), [art. 2\(d\)](#), Sch. (with art. 3).

Non-domestic sewerage rate

F14 19

Textual Amendments

F14 Sch. 5 para. 19: the repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch. 14](#) (with s. 118(1)(2)(4) and saving in s. 118(3)) was brought into force (1.10.1992) as regards Sch. 5 para. 19 by [S.I. 1992/2183](#), [art. 2\(d\)](#), Sch. (with art. 3).

[F15 19A(1) Where, in respect of a financial year, the non-domestic sewerage rate is leviable under paragraph 19 above in respect of lands and heritages which are both—

- (a) church or charity premises; and
- (b) premises to which, by virtue of subsection (4) of section 41 of the Water (Scotland) Act 1980, that section applies, whether or not they are premises in respect of which the non-domestic water rate is leviable,

the non-domestic sewerage rate shall be levied not according to the rateable value of those lands and heritages or that part thereof which is shown in the apportionment note as relating to their non-residential use but instead in accordance with sub-paragraph (2) below.

(2) Where—

- (a) the water authority, in a resolution under subsection (1) of the said section 41, made with respect to the lands and heritages mentioned in sub-paragraph (1) above or to a class of premises which includes those lands and heritages, have specified for the purposes of that subsection in respect of that year a fraction of net annual value smaller than one half, then the non-domestic sewerage rate shall be levied according to that smaller fraction of the rateable value of those lands and heritages or, as the case may be, that part thereof; and
- (b) the water authority have not so specified a smaller fraction, then the non-domestic sewerage rate shall be levied according to one half of the rateable value of those lands and heritages or, as the case may be, that part thereof.

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- (3) In sub-paragraph (1) above “church or charity premises” means—
- (a) premises, to the extent to which, under section 22(1) of the Valuation and Rating (Scotland) Act 1956 (exemption from non-domestic rates of church premises etc.), no non-domestic rate is leviable on them in respect of the financial year; or
 - (b) lands and heritages in respect of which relief in respect of the non-domestic rate is given in respect of the financial year under subsection (2) of section 4 of the Local Government (Financial Provisions etc.) (Scotland) Act 1962 (relief for premises occupied by charities); or
 - (c) lands and heritages in respect of which a reduction of or remission from the non-domestic rate has effect in respect of the financial year under subsection (5) of the said section 4.]

Textual Amendments

F15 Sch. 5 para. 19A inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), s. 145, [Sch. 6 para. 21\(1\)\(b\)\(2\)](#)

- 20 The person who is liable to pay the non-domestic sewerage rate in respect of any premises shall be the person who is liable to pay the non-domestic rate in respect of those premises [^{F16}or who would be liable to pay the non-domestic rate but for any enactment which exempts those premises from that rate or by or under which relief or remission from liability for that rate is given.]

Textual Amendments

F16 Words added by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), s. 145, [Sch. 6 para. 20](#)

^{F17}21

Textual Amendments

F17 [Sch. 5 para. 21](#): the repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch. 14](#) (with [s. 118\(1\)\(2\)\(4\)](#) and saving in [s. 118\(3\)](#)) was brought into force (1.10.1992) as regards [Sch. 5 para. 21](#) by [S.I. 1992/2183](#), [art. 2\(d\)](#), [Sch.](#) (with [art. 3](#)).

- 22 The provisions of
- (a) Part XI of the 1974 Act;
 - (b) Part VII of the ^{M3}1973 Act; and
 - (c) sections 7 to 10 of the ^{M4}1975 Act,
- (all of which relate to rating) as amended by the provisions of this Act, shall apply, subject to such adaptations and modifications as may be prescribed, to the levying, collection and recovery of the non-domestic sewerage rate.

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Marginal Citations

- M3** 1973 c. 65.
- M4** 1975 c. 30.

PART III

MISCELLANEOUS PROVISIONS

Accounts

- 23 Without prejudice to section 96(1) of the 1973 Act (which relates to the keeping of accounts by local authorities), each local authority shall prepare and maintain separate accounts in respect of its functions under the ^{M5}1968 and 1980 Acts respectively.

Marginal Citations

- M5** 1980 c. 45.

- 24 The provisions of sections 96(2) to (4) (which impose requirements as to the accounts mentioned in section 96(1) and 105(1) (which empowers the Secretary of State to make regulations as to the said accounts) of the 1973 Act shall apply in relation to the accounts mentioned in paragraph 23 above as they apply to the accounts mentioned in the said section 96(1).

Tariff of charges

- ^{F18}25

Textual Amendments

- F18** Sch. 5 para. 25: the repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch. 14](#) (with s. 118(1)(2)(4) and saving in s. 118(3)) was brought into force (1.10.1992) as regards Sch. 5 para. 25 by [S.I. 1992/2183](#), [art. 2\(d\)](#), Sch. (with art. 3).

- ^{F19}26

PART IV

AMENDMENTS TO THE WATER (SCOTLAND) ACT 1980 (C.45)

- 27 In section 9(6) (which relates to the supply of water for non-domestic purposes), for the word “rates” substitute “non-domestic rates”.

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28 In section 9A (which relates to the exemption from charges of water for fire fighting), for the words “domestic water rate” substitute “the non-domestic water rate or the community water charges”.

29 For section 40 (which provides for liability to the domestic water rate) substitute—

“40 Non-domestic water rate.

“40 Non-domestic water rate.

- (1) Subject to the provisions of this Part of this Act, each council of a region or an islands area shall, in respect of the financial year 1989-90 and each subsequent financial year, determine a non-domestic water rate, which shall be levied in respect of those lands and heritages described in subsection (2) below—
 - (a) which are subjects (other than part residential subjects) in respect of which there is an entry in the valuation roll, according to their net annual value; or
 - (b) which are part residential subjects, according to that part of their net annual value which is shown in the apportionment note as relating to the non-residential use of those subjects.
- (2) The lands and heritages mentioned in subsection (1) above are lands and heritages—
 - (a) in respect of which the water authority is supplying water, whether for domestic or for non-domestic purposes; and
 - (b) which are not being—
 - (i) wholly supplied with water by meter, or
 - (ii) occupied by a water authority for the purposes of a water undertaking or by a water development board.
- (3) The person who is liable to pay the non-domestic water rate in respect of any lands and heritages shall be the person who is liable to pay non-domestic rates in respect of those lands and heritages.
- (4) Each council of a region or islands area shall, in respect of the financial year 1989-90 and each subsequent financial year, determine, before such date as may be prescribed in relation to each of those years, such amount of the non-domestic water rate as will provide sufficient moneys to meet the proportion of their estimated expenditure for that year which they have determined under paragraph 2 of Schedule 5 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 is to be met out of that rate.
- (5) The non-domestic water rate shall not be leviable in respect of any premises, being lands and heritages situated within the region or area of a council of a region or islands area, unless a supply of water provided by a water authority is used for any purposes for or in connection with which the premises are used or by or for persons employed or otherwise engaged on or about the premises in connection with such purpose.
- (6) Where premises are for the first time provided with a supply of water otherwise than on the first day of a financial year, the person who is liable

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to pay the non-domestic water rate shall be liable to pay in respect of that year such part only of that rate which would be leviable if a supply had been provided throughout that year as is proportionate to the part of that year which had not elapsed when the supply was provided.

(7) Notwithstanding the foregoing provisions of this section, the non-domestic water rate shall not be leviable in respect of—

- (a) the lands and heritages specified in paragraphs 2(1)(c), 3, 4 and 5 (rail, gas, electricity and postal undertakings) of Schedule 1 to the Local Government (Scotland) Act 1975; and
- (b) any such lands and heritages specified in paragraph 8 (dock and harbour undertakings) of Schedule 1 to the said Act of 1975 as have their rateable values determined under any order made under sections 6 and 35(3) of that Act.”

30 In section 41 (which relates to the levying of domestic water rates on business and commercial premises)—

- (a) in subsection (1)—
 - (i) for “domestic water rate” substitute “non-domestic water rate”; and
 - (ii) after the words “net annual value” insert “or, in respect of part residential subjects, one half of the part which is shown in the apportionment note as relating to the non-residential use of those subjects”.

- (b) in subsection (2), at the beginning insert “Subject to subsection (2A) below,”; and

- (c) at the end of subsection (2) insert—

“(2A) Where the Secretary of State considers that the amount of the net annual value determined by a water authority under subsection (2) above is too high, he may determine an amount of net annual value in place of that determined by the authority, and sub-section (2) shall thereafter have effect accordingly.”

31 For sections 42 and 43 substitute—

“42 Levy of non-domestic water rate on certain subjects.

“42 Levy of non-domestic water rate on certain subjects.

Where the non-domestic water rate is leviable in respect of premises being lands and heritages occupied as waterworks or sewage works, or as a mine or a quarry, or as a public park or recreation ground, it shall be levied according to one quarter of the net annual value or, in respect of part residential subjects, one quarter of the part which is shown in the apportionment note as relating to the non-residential use of those subjects.

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43 Levy of non-domestic water rate on shootings and fishings.

43 Levy of non-domestic water rate on shootings and fishings.

Where the non-domestic water rate is leviable in respect of premises being lands and heritages occupied as shootings or as fishings it shall be levied according to one eighth of the net annual value thereof.”

- 32 In section 46(2), for the words “or otherwise”, where they first appear, substitute “, community water charge or the non-domestic water rate”.
- 33 In section 47(1) (which relates to the domestic water rate in certain cases), for the words “domestic water rate” substitute “non-domestic water rate”.
- 34 In section 47(2) (which relates to the domestic water rate in certain cases)—
- (a) for the words “domestic water rate” where they occur for the third time substitute “non-domestic water rate”;
 - (b) after the words “local enactment” where they occur for the fourth time insert “in relation to the domestic water rate”; and
 - (c) after the words “so specified” where they occur for the second time insert “in relation to the domestic water rate”.
- 35 For the proviso to the said section 47(2) substitute—
- “Provided that if in any financial year during the said period the non-domestic water rate levied generally within the region or islands area is lower than the non-domestic water rate falling to be levied for that financial year in accordance with the foregoing provisions of this subsection, the non-domestic water rate to be levied in such area as aforesaid shall not exceed the amount of that rate levied generally within the region or islands area.”.
- 36 In section 47(3), for the words “no domestic water rate shall be payable” substitute “non-domestic water rate shall not be payable”.
- 37 In section 47(7), for the words “domestic water rate” substitute “non-domestic water rate”.
- 38 In section 48(1) (which relates to the levying of, and exemption from, rates), for the words “public water rate and the domestic water rate” substitute “non-domestic water rate”.
- 39 In section 48(2), for the words “domestic water rate” substitute “non-domestic water rate”.

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- 40 In section 48(3), after the word “rates” insert “or charges”.
- 41 In section 49 (which relates to payment for water supplied by meter), after subsection (1) insert—
“(1A) Charges payable under this section shall be payable by the occupier of the premises in respect of which they are due.”.
- 42 In section 49(2), for the words “rates levied by the regional or islands council” substitute “non-domestic rates”.
- 43 In section 54(1) (which provides for the register of the meter to be evidence), for the words “prima facie” substitute “sufficient”.
- 44 In section 54(3)(b), for the words “rates levied by the regional or islands council” substitute “non-domestic rates”.
- 45 In section 55(4) (which relates to charges for water supplied by meter), for the words “all ratepayers within the limits of supply of the authority” substitute “the public”.
- 46 In section 58(3) (which relates to the termination of the right to the supply of water on special terms), for the words “the amount of the rate or charge or of the rate and charge” substitute “the amount of any charge under section 49, community water charge or non-domestic water rate”.
- 47 For subsections (1) to (4) of section 61 (which relates to the calculation of the amount to be requisitioned by water authorities) substitute—
“(1) Subject to subsection (2) below, the amount of the requisition made by a requisitioning authority on any contributing authority shall be calculated by—
(a) estimating the cost to the requisitioning authority of supplying the volume of water which is to be supplied to the contributing authority in the financial year; and
(b) deducting therefrom the estimated income which will be received by the requisitioning authority in that financial year by way of charges or other sources (not being community water charges or the non-domestic water rate) from the parts of the contributing authority’s area supplied.
(2) In respect of any financial year, the sum of the requisition made on any contributing authority and the estimated income mentioned in subsection (1) (b) above shall bear the same relationship to the expenditure incurred by the requisitioning authority in the exercise of all its water supply functions as the estimated volume of water to be supplied to that contributing authority bears

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to the total volume of water to be supplied by the requisitioning authority, whether for consumption inside its own area or elsewhere.

(3) For the purposes of this section “requisitioning authority” means a water authority such as is mentioned in section 60(1) above.”.

48 In section 61(5) for the words “subsections (2) and (3)” substitute “subsections (1) and 2)”.

49 In section 109(1) (which defines terms used in the Act)—

(a) after the definition of “agricultural lands and heritages” insert—

““apportionment note” has the meaning assigned to it in paragraph 2 of Schedule 1 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987;”;

(b) after the definition of “communication pipe” insert—

““community water charges” shall be construed in accordance with the provisions of paragraph 6 of Schedule 5 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987;”;

(c) after the definition of “owner” insert—

““part residential subjects” has the meaning assigned to it in section 26 (interpretation) of the Abolition of Domestic Rates Etc. (Scotland) Act 1987;”.

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