

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (repealed), Part 1. (See end of Document for details)

SCHEDULES

SCHEDULE 5

WATER AND SEWERAGE CHARGES

PART 1

CHARGES FOR WATER SERVICES

Textual Amendments applied to the whole legislation

- F1** Act repealed (*prosp.*) by [Local Government Finance Act 1992 \(c. 14\)](#), ss. 117(2), 119(2)(e), [Sch.14](#) (with s. 118(1)(2)(4) and saving in s. 118(3) and subject to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\(b\)](#))

- 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

- 2 In respect of the financial year 1989-90 and each subsequent financial year, each local authority shall, before such date as may be prescribed in relation to each of those years—
- (a) subject to paragraph 3 below, estimate the amount of the expenditure mentioned in paragraph 1 above which they will incur in respect of that year; and
 - (b) subject to paragraph 4 below, determine what proportion of that expenditure is to be met from each of the sources mentioned in subparagraphs (a) to (c) of the said paragraph 1.
- 3 In estimating the expenditure mentioned in paragraph 1 above which they will incur in respect of any financial year a local authority shall take into account—
- (a) such additional sum as is in their opinion required—
 - (i) to cover expenses previously incurred,
 - (ii) to meet contingencies, and
 - (iii) to meet any expenses which may fall to be met before the moneys to be received from the sources mentioned in paragraph 1 above in respect of the next following financial year will become available; and
 - (b) any means by which any part of that expenditure may otherwise be met or provided for.
- 4 A local authority may apportion their estimated expenditure under paragraph 2 above on whatever basis they consider appropriate, but they shall ensure that the apportionment is not such as to show undue preference to, or discriminate unduly against, any class or classes of person liable to pay—
- (a) the direct charges;
 - (b) the community water charges; or
 - (c) the non-domestic water rate,
- respectively.

Direct charges

- 5 After a local authority have, under paragraph 2 above, determined what proportion of their estimated expenditure in respect of a particular financial year is to be met out of direct charges, they shall, before such date as may be prescribed in relation to that year, determine such rate or rates of direct charges in respect of that year as will, when calculated in accordance with the provisions of section 49 of the 1980 Act (which relates to the payment for water supplied by meter), produce sufficient moneys to meet the said proportion, and different rates of direct charges may be determined for different circumstances.

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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 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 [^{F1}and]
 - [^{F2}(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

- F1** Word added by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), s. 145, [Sch. 6 para. 26](#)
- F2** [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

- 9 Every local authority shall, in respect of the financial year, 1989-90 and of each subsequent financial year, determine , before such date as may be prescribed in relation to each of those years, the amount of the personal community water charge to be imposed by them in respect of that year.
- 10 The amount determined under paragraph 9 above shall be such as will provide (account having been taken of the moneys to be produced by the standard and collective community water charges) sufficient moneys to meet such proportion of the authority's estimated expenditure for that year as they have determined under paragraph 2 above is to be met out of the community water charges.

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- 11 Subject to paragraphs 7 and 8 above, the provisions of Part II of and [F3 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

- F3** Words substituted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 38](#)

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.

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