SCOTTISH STATUTORY INSTRUMENTS

2000 No. 88

RATING AND VALUATION

The Electricity Lands (Rateable Values) (Scotland) Order 2000

Made - - - -	*20th March 2000*
Coming into force - -	*1st April 2000*

The Scottish Ministers, in exercise of the powers conferred upon them by sections 6, 35 and 37(1) of the Local Government (Scotland) Act 1975(**1**) and of all other powers enabling them in that behalf, and after consultation with such associations of local authorities, and of persons carrying on undertakings, as appeared to them to be concerned, and with such local authorities, persons, or associations of persons with whom consultation appeared to them to be desirable, all in accordance with section 6(4) of the said Act, hereby make the following Order, a draft of which has been laid before and has been approved by resolution of the Scottish Parliament:

PART I

GENERAL

Citation and commencement

1. This Order may be cited as the Electricity Lands (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;

"a Company"–

(a) for the purposes of article 3(1)(a) and Part II of this Order means–

(**1**) 1975 c. 30; section 6(1) to (7) was substituted by the Local Government (Scotland) Act 1978 (c. 4), section 1, and section 6(1) was subsequently substituted by the Local Government Finance Act 1988 (c. 41), Schedule 12, paragraph 11 and amended by the Local Government Finance Act 1992 (c. 14), Schedule 13, paragraph 42; section 6(1A) was repealed by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 14; section 6(5A) and (8) was inserted by the Local Government etc. (Scotland) Act 1994, sections 160 and 157; section 37(1) contains a definition of "prescribed" which is relevant to the exercise of the powers under which this Order is made and which was amended by the Local Government Finance Act 1992, Schedule 13, paragraph 43(c). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(i) Scottish Power UK plc;

(ii) Scottish and Southern Energy plc; or

(iii) British Energy Generation (UK) Limited; and

(b) for the purposes of article 3(1)(b) and (c) and Parts III and IV this Order means–

(i) Scottish Power UK plc; or

(ii) Scottish and Southern Energy plc;

"declared net capacity", in relation to generating plant, means the highest generation of electricity at the generator terminals, which can be maintained indefinitely without causing damage to the plant, less so much of that generation as is consumed by the plant, expressed in megawatts to the nearest one hundredth part of a megawatt and calculated on the relevant assumption;

"distribution lands" means the class of lands and heritages prescribed for the purposes of section 6(1) of the 1975 Act in article 3(1)(b) of this Order;

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

"generation lands" means the class of lands and heritages prescribed for the purposes of section 6(1) of the 1975 Act in article 3(1)(a) of this Order;

"generating plant" means plant which is used or available for use for the purposes of generating electricity;

"relevant assumption"–

(a) in relation to generating plant the sole or primary source of energy for which is the burning of oil or coal, is that–

(i) the temperature of the water entering the cooling system is–

(aa) 19 degrees Celsius, where the water is circulated on the lands and heritages for re-use in the cooling system; or

(bb) 10 degrees Celsius in any other case; and

(ii) insofar as they affect the generating plant–

(aa) the air temperature is 10 degrees Celsius; and

(bb) the air pressure is 1013 millibars;

(b) in relation to generating plant the sole or primary source of energy for which is wind power, is that the wind speed is sufficient to power the generating plant at its highest generation of electricity;

(c) in relation to generating plant the sole or primary source of energy for which is water power, is that the water flow is sufficient to power the generating plant at its highest generation of electricity; and

(d) in any other case, is the assumption specified in paragraph (a)(ii) above;

"transmission lands" means the class of lands and heritages prescribed for the purposes of section 6(1) of the 1975 Act in article 3(1)(c) of this Order.

(2) Any reference in this Order to–

(a) lands and heritages occupied by a Company includes a reference to lands and heritages which, if unoccupied, are owned by a 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 classes of lands and heritages

3.—(1) The following classes of lands and heritages are hereby prescribed for the purposes of section 6(1) of the 1975 Act, namely–

(a) any lands and heritages in Scotland (other than lands and heritages referred to in paragraph (2) below) occupied by a Company and wholly or mainly used for the purposes of the generation of electricity or for ancillary purposes;

(b) any lands and heritages in Scotland occupied by a Company and wholly or mainly used for the purposes of the distribution of electricity or for ancillary purposes; and

(c) any lands and heritages in Scotland occupied by a Company and wholly or mainly used for the purposes of the transmission of electricity or for ancillary purposes.

(2) The lands and heritages referred to in paragraph (1)(a) above are lands and heritages falling within the class prescribed by article 3 of the Electricity Generators (Rateable Values) (Scotland) Order 2000(**2**).

PART II:

GENERATION LANDS

Aggregate amount of rateable values for financial years 2000-01 to 2004-05

4. For the purposes of section 6(1) of the 1975 Act, the aggregate amount of the rateable values of generation lands–

(a) for the financial year 2000-01, is hereby prescribed as £72,253,000;

(b) for each of the following four financial years, shall be ascertained by adding together the amounts apportioned in respect of generation lands occupied by each Company for the year in question (calculated as provided for in article 5(2) below).

Apportionment of aggregate amount of rateable values among Companies

5.—(1) The aggregate amount referred to in article 4(a) above is hereby apportioned as–

(a) £28,245,000 in respect of generation lands occupied by Scottish Power UK plc;

(b) £18,998,000 in respect of generation lands occupied by Scottish and Southern Energy plc; and

(c) £25,010,000 in respect of generation lands occupied by British Energy Generation (UK) Limited.

(2) That part of the aggregate amount of the rateable values of generation lands to be apportioned for each of the four financial years following the financial year 2000-01 in respect of such lands occupied by each Company shall be calculated in accordance with the formula–

$$A \times \frac{B}{C}$$

where–

A is the apportioned amount for that Company for the financial year immediately prior to the year for which the calculation is being carried out;

(**2**) S.S.I. 2000/87.

B is the total declared net capacity of generating plant in or on generation lands occupied by that Company on the day falling 1 year before the beginning of the financial year for which the calculation is being carried out; and

C is the total declared net capacity of generating plant in or on lands so occupied on the day falling 2 years before the beginning of that year.

Apportionment of aggregate amount of rateable values among local authorities

6. For the purposes of section 6(2) of the 1975 Act, the aggregate amount of the rateable values of generation lands for each of the financial year 2000-01 and the four following financial years (ascertained in accordance with article 4 above) shall–

(a) in respect of such generation lands as are occupied by Scottish Power UK plc, be apportioned among the local authorities specified in column 1 of Schedule 1 to this Order in accordance with the formula–

$$D \times \frac{E}{100{,}000}$$

where–

D is the apportioned amount for Scottish Power UK plc for the financial year in question; and

E is the figure shown in column 2 of that Schedule opposite the name of the local authority in question;

(b) in respect of such generation lands as are occupied by Scottish and Southern Energy plc, be apportioned among the local authorities specified in column 1 of Schedule 1 to this Order in accordance with the formula–

$$F \times \frac{G}{100{,}000}$$

where–

F is the apportioned amount for Scottish and Southern Energy plc for the financial year in question; and

G is the figure shown in column 3 of that Schedule opposite the name of the local authority in question; and

(c) in respect of such generation lands as are occupied by British Energy Generation (UK) Limited, be apportioned among the local authorities specified in column 1 of Schedule 1 to this Order in accordance with the formula–

$$H \times \frac{J}{100{,}000}$$

where–

H is the apportioned amount for British Energy Generation (UK) Limited for the financial year in question; and

J is the figure shown in column 4 of that Schedule opposite the name of the local authority in question.

PART III:

DISTRIBUTION LANDS

Aggregate amount of rateable values for financial years 2000-01 to 2004-05

7. For the purposes of section 6(1) of the 1975 Act, the aggregate amount of the rateable values of distribution lands–

(a) for the financial year 2000-01 is hereby prescribed as £73,110,000;

(b) for each of the following four financial years, shall be ascertained by adding together the amounts apportioned in respect of distribution lands occupied by each Company for the year in question (calculated as provided for in article 8(2) below).

Apportionment of aggregate amount of rateable values between Companies

8.—(1) The aggregate amount referred to in article 7(a) above is hereby apportioned as–

(a) £53,080,000 in respect of distribution lands occupied by Scottish Power UK plc; and

(b) £20,030,000 in respect of distribution lands occupied by Scottish and Southern Energy plc.

(2) That part of the aggregate amount of the rateable values of distribution lands to be apportioned for each of the four financial years following the financial year 2000-01 in respect of such lands occupied by each Company shall be calculated in accordance with the formula–

$$A \times \frac{B}{C}$$

where–

A is the apportioned amount for that Company for the financial year immediately prior to the year for which the calculation is being carried out;

B is the estimated installed transformer capacity (measured in kilovoltamperes) of all the electricity transformation plant in Scotland occupied by that Company on the day falling 1 year before the beginning of the financial year for which the calculation is being carried out; and

C is the estimated installed transformer capacity (measured in kilovoltamperes) of all the electricity transformation plant in Scotland so occupied on the day falling 2 years before the beginning of that year.

Apportionment of aggregate amount of rateable values among local authorities

9. For the purposes of section 6(2) of the 1975 Act, the aggregate amount of the rateable values of distribution lands for each of the financial year 2000 01 and the four following financial years (ascertained in accordance with article 7 above) shall–

(a) in respect of such distribution lands as are occupied by Scottish Power UK plc, be apportioned among the local authorities specified in column 1 of Schedule 2 of this Order in accordance with the formula–

$$D \times \frac{E}{1000}$$

where–

D is the apportioned amount for Scottish Power UK plc for the financial year in question; and