



Local Government Finance Act 1992

1992 CHAPTER 14

PART IV

MISCELLANEOUS

Scottish provisions

110 Amendments to the 1975 Act in relation to non-domestic rates.

(1) After section 7 of the 1975 Act there shall be inserted the following section—

“7A Provisions as to setting of non-domestic rates.

- (1) The Secretary of State shall, in respect of the financial year 1993-94 and each subsequent financial year, prescribe for each local authority a rate which shall be their non-domestic rate in respect of that year.
- (2) Non-domestic rates shall be levied in accordance with section 7 of this Act by each rating authority in respect of lands and heritages—
 - (a) which are subjects (other than part residential subjects) in respect of which there is an entry in the valuation roll, according to their rateable value or, where a rateable value has been prescribed or determined in respect of the lands and heritages under section 128 of the ^{M1}Local Government Finance Act 1988, according to that rateable value; or
 - (b) which are part residential subjects, according to that part of their rateable value which is shown in the apportionment note as relating to the non-residential use of those subjects or, where a rateable value has been prescribed or determined in respect of the lands and heritages under section 128 of the ^{M2}Local Government Finance Act 1988, according to that part of that rateable value which is so shown in the apportionment note.
- (3) The rates prescribed under subsection (1) above shall be known—
 - (a) in the case of the regional council, as the non-domestic regional rate;

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- (b) in the case of the district council, as the non-domestic district rate; and
 - (c) in the case of the islands council, as the non-domestic islands rate.
- (4) References (however expressed) in any enactment to the non-domestic rate determined by a local authority shall be construed as references to the non-domestic rate prescribed for the local authority under this section.
- (5) A statutory instrument containing any order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) For section 7A of the 1975 Act there shall be substituted the following section—

“7B Provisions as to setting of non-domestic rates.

- (1) The Secretary of State shall, in respect of the financial year following that in which this subsection comes into force and each subsequent financial year, prescribe a rate which shall be the non-domestic rate to be levied throughout Scotland in respect of that financial year.
 - (2) Subject to subsection (3) below, non-domestic rates shall be levied in accordance with section 7 of this Act by each rating authority in respect of lands and heritages in their area, being lands and heritages—
 - (a) which are subjects (other than part residential subjects) in respect of which there is an entry in the valuation roll, according to their rateable value or, where a rateable value has been prescribed or determined in respect of the lands and heritages under section 128 of the ^{M3}Local Government Finance Act 1988, according to that rateable value; or
 - (b) which are part residential subjects, according to that part of their rateable value which is shown in the apportionment note as relating to the non-residential use of those subjects or, where a rateable value has been prescribed or determined in respect of the lands and heritages under section 128 of the Local Government Finance Act 1988, according to that part of that rateable value which is so shown in the apportionment note.
 - (3) In the application of section 7 of this Act to the levying of the non-domestic rate prescribed under this section, for the words “to which the rate relates” in each of subsections (1) and (2) of that section there shall be substituted the words “of the rating authority”.
 - (4) References (however expressed) in any enactment to the non-domestic rate determined by a local authority shall be construed as references to the non-domestic rate prescribed under this section.
 - (5) A statutory instrument containing any order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In section 37 (interpretation) of the 1975 Act, in the definition of “non-domestic rate”, for “section 7A” there shall be substituted “section 7B”.
- (4) For section 9A of the 1975 Act (as inserted by paragraph 13 of Schedule 12 to the 1988 Act) there shall be substituted the following section—

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“9A Interest on rates paid in error.

- (1) Subject to regulations made under this section—
 - (a) where any amount has been paid to a rating authority in respect of rates either—
 - (i) in error; or
 - (ii) in consequence of the entry on to the valuation roll of a valuation which is subsequently reduced,and the rating authority repay the amount, the authority shall also pay to the person to whom the repayment is made interest on the amount; and
 - (b) where any amount has been repaid to any person by a rating authority either—
 - (i) in error; or
 - (ii) in consequence of the entry on to the valuation roll of a valuation which is subsequently increased,and the rating authority recover the amount, the authority may also recover from that person any interest paid on that amount.
- (2) The Secretary of State may by regulations make provision as to—
 - (a) the circumstances in which interest is to be payable or recoverable by a rating authority;
 - (b) the rate at which any interest is to be paid, or the manner in which such rate is to be determined; and
 - (c) the date or dates from which, or by reference to which, any payment of interest is to run.
- (3) This section applies to any payments such as are mentioned in subsection (1) which were made—
 - (a) after 1st April 1990; and
 - (b) before the coming into force of this section,as it applies to such payments made after the coming into force of this section; but does not entitle any person to receive any payment of interest in respect of any such payment made before 1st April 1990.
- (4) Regulations made under this section may provide for the deduction from any sum paid by way of interest under or by virtue of this section of any sum previously paid under or by virtue of any other enactment by way of interest in respect of the same payment.
- (5) Regulations under this section—
 - (a) may make different provision in relation to different cases or descriptions of case;
 - (b) may include such transitional provisions as appear to the Secretary of State to be necessary or expedient; and
 - (c) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”

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Commencement Information

- II** S. 110 partly in force; s. 110 not in force at Royal Assent see s. 119(2)(a); s. 110(1)(4) in force at 1.10.1992 by S.I. 1992/2183, **art. 2(a)** (with art. 3); s. 110(2)(3) in force at 31.3.1995 by S.I. 1995/3152, **art. 2** (with art. 4)
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Marginal Citations

- M1** 1988 c. 41.
M2 1988 c. 9.
M3 1988 c. 41.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). The amending S.I. was revoked before ever coming into force by [S.I. 2010/1906, reg. 2](#))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(2)(ea) inserted by [2012 c. 17 s. 13\(1\)](#)