
STATUTORY INSTRUMENTS

1994 No. 3150 (C.74) (S.174)

RATING AND VALUATION

**The Local Government etc. (Scotland) Act
1994 (Commencement No.2) Order 1994**

Made - - - - 7th December 1994

The Secretary of State, in exercise of the powers conferred on him by section 184 of the Local Government etc. (Scotland) Act 1994⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Local Government etc. (Scotland) Act 1994 (Commencement No.2) Order 1994.

(2) In this Order, “the Act” means the Local Government etc. (Scotland) Act 1994.

Days appointed

2. 31st December 1994 is the day appointed for the coming into force of—

- (a) paragraph 176(1) and (19)(b) of Schedule 13 to the Act (minor and consequential amendments); and
- (b) section 180(1) of the Act (minor and consequential amendments), so far as it relates to those provisions.

3. 4th January 1995 is the day appointed for the coming into force of the following provisions of the Act:—

- (a) section 153 (power of Secretary of State to prescribe amount of non-domestic rate);
- (b) section 160 (further provision as to valuation by formula);
- (c) section 161 (power of Secretary of State to combine and divide lands and heritages);
- (d) section 180(2) (repeals), so far as it relates to the provisions specified in paragraph (e) below; and
- (e) in Schedule 14 (repeals), the repeals of—
 - (i) section 116(6) of the Local Government (Scotland) Act 1973⁽²⁾;

(1) 1994 c. 39.
(2) 1973 c. 65.

- (ii) paragraphs 41 and 42 of Schedule 2 to the Local Government (Miscellaneous Provisions) (Scotland) Act 1981⁽³⁾; and
 - (iii) paragraph 60(2) of Schedule 25 to the Water Act 1989⁽⁴⁾.
4. 1st April 1995 is the day appointed for the coming into force of—
- (a) the provisions of the Act specified in column 1 of Schedule 1 to this Order (which relate to the matters specified in column 2 of that Schedule);
 - (b) section 180 of the Act, so far as it relates to the provisions of Schedules 13 and 14 to the Act specified in paragraphs (c) and (d) below;
 - (c) in Schedule 13 to the Act—
 - (i) paragraph 57;
 - (ii) paragraph 60(4);
 - (iii) paragraph 67(1), (2) and (5); and
 - (iv) paragraph 100(2), (4) and (5); and
 - (d) the repeals in Schedule 14 to the Act specified in Schedule 2 to this Order.

Transitional provision

5. The amendments of paragraph 10(3)(a) of Schedule 12 to the Local Government Finance Act 1992⁽⁵⁾ brought into force by article 2 of this Order shall not affect the continuing operation of regulations made under that paragraph⁽⁶⁾ in relation to a financial year (within the meaning of that Act) beginning before 1st April 1995.

Amendment of earlier Order

6. Article 3(c)(xiii) of the Local Government etc. (Scotland) Act 1994 (Commencement No.1) Order 1994⁽⁷⁾ is hereby amended by deleting the words “(1) and”.

St Andrew’s House,
Edinburgh
7th December 1994

Allan Stewart
Parliamentary Under Secretary of State, Scottish
Office

(3) 1981 c. 23.
(4) 1989 c. 15.
(5) 1992 c. 14.
(6) See S.I. 1992/3061, as amended by S.I. 1993/3059.
(7) S.I. 1994/2850.

SCHEDULE 1

Article 4(a)

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST APRIL 1995

Column 1 Provision of the Act	Column 2 Subject matter
Section 152	Amendment of definition of “lands and heritages”
Section 154	Rating of unoccupied lands and heritages
Section 155	Rating of lands and heritages partly unoccupied for a short time
Section 156	Remission of rates on account of hardship
Section 158	Grants in respect of certain rate rebates
Section 159	Rating of enterprise zone
Section 162(1)	Abolition of Scottish Valuation Advisory Council

SCHEDULE 2

Article 4(d)

REPEALS IN SCHEDULE 14 TO THE ACT COMING INTO FORCE ON 1ST APRIL 1995

Chapter	Short title	Extent of repeal
49 & 50 Vict. c.15	The Sporting Lands Rating (Scotland) Act 1886	The whole Act.
10 & 11 Geo.6 c.43	The Local Government (Scotland) Act 1947	Sections 243, 243A, 243B and 244.
4 & Eliz.2 c.60	The Valuation and Rating (Scotland) Act 1956	Section 22A.
6 & 7 Eliz.2 c.64	The Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958	Section 7.
1966 c. 51	The Local Government (Scotland) Act 1966	Section 17. Section 20. In Section 25, in subsection (1), the words “the determination of rateable values,” and subsections (3), (4) and (5). In section 46(1), the definition of “rate”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Chapter	Short title	Extent of repeal
		In Schedule 3, paragraph 1, in paragraph 3(1), the words from “and that” to “heritages”, in paragraph 5, the word “relevant”, in both places where it occurs, paragraphs 6 and 7, in paragraph 8, the words from “relevant lands” to “Act” and the words from “included” to “heritages”, where it second occurs.
		In Schedule 5, paragraph 3.
1972 c. 52	The Town and Country Planning (Scotland) Act 1972	In Part II of Schedule 21, the words from “In section 25(3) (c)” to the end of the paragraph.
1973 c. 65	The Local Government (Scotland) Act 1973	In Schedule 9, paragraph 11.
1975 c. 30	The Local Government (Scotland) Act 1975	In Part II of Schedule 6, paragraphs 6, 13 and 34.
1980 c. 65	The Local Government, Planning and Land Act 1980	In Schedule 32, in paragraph 33, in sub-paragraph (2), head (a), sub-paragraph (3) and, in sub-paragraph (4), the definitions of “private garage” and “private storage premises”.
1981 c. 23	The Local Government (Miscellaneous Provisions) (Scotland) Act 1981	Section 6. In Schedule 3, paragraph 26.
1982 c. 43	The Local Government and Planning (Scotland) Act 1982	Section 4.
1984 c. 31	The Rating and Valuation (Amendment) (Scotland) Act 1984	Sections 6 and 7. In Schedule 2, paragraph 7.
1988 c. 41	The Local Government Finance Act 1988	Section 128. In Part II of Schedule 12, paragraph 6.
1989 c. 15	The Water Act 1989	In Schedule 25, paragraph 22.
1989 c. 42	The Local Government and Housing Act 1989	In Schedule 6, paragraph 7.
1992 c. 14	The Local Government Finance Act 1992	In Schedule 13, paragraph 75.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the commencement of various provisions in the Local Government etc. (Scotland) Act 1994 on 31st December 1994 (article 2), on 4th January 1995 (article 3) and on 1st April 1995 (article 4 and Schedules 1 and 2). The provisions commenced are principally concerned with rating and valuation matters.

Article 5 of the Order makes a transitional provision in connection with the provisions commenced by article 2, and article 6 makes a minor amendment of the Local Government etc. (Scotland) Act 1994 (Commencement No.1) Order 1994.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The Local Government etc. (Scotland) Act 1994 (Commencement No.1) Order 1994 ([S.I.1994/2850](#)) provides for commencement of provisions in the Act as follows:—

- (a) on 8th November 1994, sections 1, 5, 7, 12, 57, 61, 97(6), 125, 137(1) (partially), 157, 177 (partially), 178, 181 (partially), 183(1) and 184, and Schedules 1 and 2; and
- (b) on 4th January 1995, sections 8 to 11, 13 to 17, 24, 34, 38, 40, 44, 47, 49, 50, 51(3), 60, 97, 101, 104, 113, 114, 115, 124, 126, 137, 141, 143, 146 to 151, 165 to 167, 170, 172, 173, 175, 179, 180 (partially) and 182, and Schedules 5, 13 and 14 (both partially).