

Local Government, Housing and Planning Committee

8th Meeting, 2021 (Session 6)

Tuesday 8 March 2022

SSI cover note for: SSI 2022/37: The Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2022

SSI 2022/37

Title of Instrument: [The Non-Domestic Rating \(Valuation of Utilities\) \(Scotland\) Amendment Order 2022](#)

Type of Instrument: Negative

Laid Date: 3rd February 2022

Meeting Date: 8 March 2022

Minister to attend meeting: No

Motion for annulment lodged: No

Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? No

Reporting deadline: 21 March 2022

Recommendation

1. The Committee is invited to consider any issues which it wishes to raise on this instrument.

Background

2. The Order amends The Non-Domestic Rating (Valuation of Utilities) (Scotland) Order 2005 (“the principal Order”) to update references to the name of a gas company included in the Order and to the names of some companies that are to be regarded as fixed line telecommunications operators. As a result of the inclusion of the companies in the Order, the lands and heritages occupied by them are entered in a single valuation roll, rather than local rolls.
3. An electronic copy of the instrument is available at:
<https://www.legislation.gov.uk/ssi/2022/37/contents/made>
4. A copy of the Scottish Government’s Explanatory and Policy Notes are included in **Annexe A**.

Purpose

5. The Order amends The Non-Domestic Rating (Valuation of Utilities) (Scotland) Order 2005 (“the principal Order”) to update references to the name of a gas company included in the Order and to the names of some companies that are to be regarded as fixed line telecommunications operators. As a result of the inclusion of the companies in the Order, the lands and heritages occupied by them are entered in a single valuation roll, rather than local rolls.

Delegated Powers and Law Reform Committee consideration

6. At its meeting on 22 February 2022, the Committee considered the following instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.
7. A copy of the Explanatory Notes and the Policy Notes are included with the papers.

Procedure for Negative Instruments

8. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds). Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument. If the motion is agreed to, the Parliamentary Bureau must then lodge a motion to annul the instrument for consideration by the Parliament.

9. If that is also agreed to, Scottish Ministers must revoke the instrument. Each negative instrument appears on a committee agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow correspondence to be entered into or a Minister or officials invited to give evidence. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendation on it.

Clerks

Local Government, Housing and Planning Committee

Annexe A

Scottish Government Explanatory Note

This Order amends the Non-Domestic Rating (Valuation of Utilities) (Scotland) Order 2005 (“the principal Order”).

Article 2(2) updates a reference to a company name in article 4 of the principal Order, relating to gas.

Article 2(3) updates references in a table in article 7A of the principal Order to companies regarded as “fixed line operators”.

The effect of being a company referred to in article 4 or article 7A is that lands and heritages occupied by the company are entered as a single entry in a single valuation roll, for the area specified in the Order, rather than being entered in different valuation rolls held by the valuation authorities in whose areas they are actually located.

As per purpose above and including:

Scottish Government Policy Note

The above instrument is made in exercise of the powers conferred on the Scottish Ministers by sections 6A(1)(aa) and 6A(1B) of the Valuation and Rating (Scotland) Act 1956 and all other enabling powers. The instrument is subject to the negative procedure.

<p>The Order amends The Non-Domestic Rating (Valuation of Utilities) (Scotland) Order 2005 (“the principal Order”) to update references to the name of a gas company included in the Order and to the names of some companies that are to be regarded as fixed line telecommunications operators. As a result of the inclusion of</p>

the companies in the Order, the lands and heritages occupied by them are entered in a single valuation roll, rather than local rolls.

Policy Objectives

The purpose of this instrument is to update the names of certain companies referred to in the principal Order.

It updates the name of one company at article 4 (gas) of the principal Order.

It also updates the list of companies regarded as “fixed line operators” as a result of being listed at r article 7A(2) (fixed line telecommunications) of the principal Order, to reflect changes in the names of those companies. The following changes are made:

- the name Centurylink Communications UK Limited is replaced with the name Lumen Technologies UK Limited (company registration number 02495998);
- the name SSE Telecommunications Limited is replaced with the name NEOS Networks Limited (company registration number SC213457);
- the name NEOS Networks Limited, in relation to the company with the registration number 03477297, is replaced with the name NNXYZ Limited.

The names of companies can change and these changes need to be shown in the 2005 Order to allow designated assessors to treat the lands and heritages held by relevant companies as a single entry in the valuation roll for a single, designated area, despite being situated in areas covered by different rolls.

Consultation

There is a statutory requirement to consult on this Order. Scottish Assessors and COSLA were consulted during drafting of the Order and are content with the changes it makes to the 2005 Order.

Impact Assessments

No Business and Regulatory Impact Assessment is required because this instrument will not impose new regulatory burdens on businesses, charities or the voluntary sector.

Financial Implications

There are no financial implications resulting from this instrument.