WATER, SCOTLAND

[*See* also Class 8 of the Classified List of Local Instruments printed at the end of this volume.]

1. *Adaptation and Modification of the Local Government (Scotland) Act*, 1947.

2. *Charging Orders*, p. 4729.

1. ADAPTATION AND MODIFICATION OF THE LOCAL GOVERNMENT (SCOTLAND) ACT, 1947

The Water (Adaptation and Modification of the Local Government (Scotland) Act, 1947) (Scotland) Regulations, 1949

1949 No. 1205 (S. 78)

Made - - - -	*25th June*, 1949
Laid before Parliament	*28th June*, 1949
Coming into Operation	*30th June*, 1949

In exercise of the powers conferred on me by section 20 of the Water (Scotland) Act, 1949,(a) I hereby make the following regulations :—

1.—(i) These regulations may be cited as the Water (Adaptation and Modification of the Local Government (Scotland) Act, 1947) (Scotland) Regulations, 1949, and shall come into operation on the 30th day of June, 1949.

(ii) The Interpretation Act, 1889(b) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. The provisions of Part XI of the Local Government (Scotland) Act, 1947(c) (which relate to the levy and collection of rates and to requisitions) shall, in their application to the public water rate and the domestic water rate levied under Part I of the Water (Scotland) Act, 1949, have effect subject to the adaptations and modifications specified in the next succeeding regulation and in the second column of the Schedule to these regulations.

3. In the application of the said Part XI of the Local Government (Scotland) Act, 1947, to the public water rate and the domestic water rate any reference in that Part—

(*a*) to that Act or to that Part thereof shall be construed as a reference to that Act or to that Part as adapted or modified by these regulations,

(*b*) to a "requisitioning authority" shall be construed as a reference to "a supplying authority" and the words "supplying authority" shall have the meaning assigned to them by subsection (1) of section 11 of the said Water (Scotland) Act, 1949.

(*c*) to a "joint water board" shall be construed as a reference to a joint water board as defined by subsection (1) of section 84 of the Water (Scotland) Act, 1946(d).

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
25th June, 1949.

(a) 12, 13 & 14 Geo. 6 c. 31.
(b) 52 & 53 Vict. c. 63.
(c) 10 & 11 Geo. 6 c. 43.
(d) 9 & 10 Geo. 6 c. 42.

SCHEDULE

Adaptations and Modifications of Part XI of Local Government (Scotland) Act, 1947

(10 & 11 *Geo.* 6. *c.* 43)

(1) *Section adapted or modified*	(2) *Adaptation of Modification of Section*
210 (which relates to requisitioning authorities.)	For the words " any public general Act " there shall be subtituted the words " any enactment relating to water supply " ; and after the words " in accordance with the provisions of this part of this Act " there shall be inserted the words " and of the Water (Scotland) Act, 1949 ".
211 (which relates to the defrayal of the expenses of local authorities under public general Acts.)	After the words " this Act " in both places where they occur there shall be inserted the words " and the Water (Scotland) Act, 1949 " ; and the proviso to the section shall not apply.
212 (which relates to the duty of the local authority to levy sufficient rates or issue a sufficient requisition.)	Subsections (2) and (3) shall not apply.
213 (which requires the sums raised by rates to be ascertained by reference to expenditure on functions within the area to which the functions relate.)	The section shall not apply.
214 (which relates to requisitions by county councils to town councils of burghs.)	Subsections (1) (2) (3) (4) and (5) shall not apply ; and in subsection (6) for the words " county council " there shall be substituted the words " joint water board or requisitioning authority ".
216 (which relates to requisitions by joint committees and joint boards.)	For the section there shall be substituted the following section :— " 216 ". Every joint water board and every requisitioning authority shall, notwithstanding anything in any enactment, order or agreement as early in the financial year as may be agreed upon between the authorities concerned and in the case of the financial year beginning in May or June 1949 not later than 1st September 1949 or in the case of any other financial year not later than the first day of July, cause a a requisition, in accordance with the provisions of this Act, and of the Water (Scotland) Act, 1949, to be sent to each of the authorities concerned, requiring the authority to pay to the joint water board or, as the case may be, the requisitioning authority, the sum specified in

(1) *Section adapted or modified*	(2) *Adaptation of Modification of Section*
	the requisition, being the authority's proportion of the expenses of the board or authority allocated in accordance with the said provisions and the authority shall at such intervals and by such instalments as the authorities concerned agree and, failing agreement, as the Secretary of State may determine, pay over to the joint water board or, as the case may be, the requisitioning authority, the sum so requisitioned without any deduction whatsoever, so however that the last instalment shall be payable not later than the first day of May in the year first occurring after the date of the requisition and any provisions contained in any enactment or statutory order inconsistent with this section shall cease to have effect."
217 (which relates to the certification of valuation for apportionment of expenditure for rating purposes.)	The section shall not apply.
218 (which states that the apportionment of expenditure for rating purposes is to be based on the valuation roll for the previous year.)	In subsection (1) for the words " in respect of a year under section 214 of this Act according to the rateable value in the valuation roll of each of the areas of the local authorities concerned " there shall be substituted the words " in accordance with section 10 or, as the case may be, section 11 of the Water (Scotland) Act, 1949, in respect of the financial year beginning in May or June, 1949, the valuation roll shall be the valuation roll for the year corresponding to or as nearly as may be to that financial year and in respect of any other financial year "; and subsection (2) shall not apply.
219 (which enacts provisions for securing payment of sums in requisition.)	In subsection (1) for the words " local authority or a joint committee or a joint board " there shall be substituted the words " joint water board or requisitioning authority " and for the words " the authority, committee or board " wherever these words occur there shall also be substituted the words " joint water board or requisitioning authority ".
221 (which enacts that rates are to be levied on lands and heritages according to the rateable value in the valuation roll.)	After the words " supplementary valuation roll " there shall be inserted the words " and to the provisions of the Water (Scotland) Act, 1949 as to the lands and heritages in respect of which the domestic water rate is to be levied ".

(1) *Section adapted or modified*	(2) *Adaptation of Modification of Section*
224 (which relates to the county rate and burgh rate.)	In paragraph (*b*) in subsection (1) after the word "expenditure" there shall be inserted the words "(other than expenditure properly payable out of the domestic water rate)".
228 (which enables rates to be levied notwithstanding any appeal under the Valuation Acts.)	For the section there shall be substituted the following section:— "228". If, at the time when any rates for the financial year then current are payable, any appeal under the Valuation Acts is then pending with respect to any lands and heritages, the rating authority may, notwithstanding anything in this Part of this Act levy and recover such rates (other than the domestic water rate) in respect of the lands and heritages according to the rateable value thereof as appearing in the valuation roll for the year immediately preceding, and may levy and recover the domestic water rate for the financial year beginning in May or June, 1949 according to the valuation for the purposes of the domestic water rate made for that year by the assessor and for any other financial year according to the valuation for the purposes of the domestic water rate as appearing in the valuation roll for the year immediately preceding, so however that on the determination of the appeal the difference, if any, between the amount paid and the amount which would have been payable on the rateable value, or value for purposes of the domestic water rate, as the case may be, as determined, shall, if an overpayment has been made, be repaid by the rating authority and, if an underpayment has been made, be corrected and recovered by the rating authority as if it were arrears of rates due and payable to the rating authority."
229 (which relates to rates of lands and heritages in a supplementary valuation roll.)	In subsection (1) after the word "shall" there shall be inserted the words "subject to the provisions of the Water (Scotland) Act, 1949"; and subsection (3) shall not apply.
231 (which relates to the date and place of payment of rates.)	After the words "provided in this Part of this Act" there shall be inserted the words "and in the Water (Scotland) Act, 1949".

(1) *Section adapted or modified*	(2) *Adaptation of Modification of Section*
233 (which relates to the assessment roll.)	After the words " the rateable value of the lands and heritages " where those words occur in subsection (1) there shall be inserted the words " in the case of lands and heritages in respect of which the domestic water rate is leviable the annual value thereof according to which that rate is so leviable ".
237 (which relates to the demand note for rates.)	In paragraph (*b*) in subsection (2) after the words " from the rateable value " there shall be inserted the words " in the case of lands and heritages in respect of which the domestic water rate is leviable the annual value thereof according to which that rate is so leviable ".
243 (which enacts that occupiers' rates shall not be levied in respect of unlet and unoccupied subjects.)	In its application to the domestic water rate the section shall have effect as if in subsection (1) for the words " the occupiers' portion of any rate " there were substituted the words " the domestic water rate ".
245 (which enables the town council of a burgh to exempt from rates for a definite period lands newly included within the burgh boundary.)	This section shall not apply in the case of the domestic water rate.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations adapt and modify the provisions of Part XI of the Local Government (Scotland) Act, 1947, in their application to the public water rate and the domestic water rate levied under Part I of the Water (Scotland) Act, 1949.