STATUTORY INSTRUMENTS

1968 No. 711 (S.69)

WATER SUPPLY, SCOTLAND

The Water (Adaptation and Modification of the Local Government (Scotland) Act 1947) (Scotland) Regulations 1968

Made - - - -	6*th May* 1968
Laid before Parliament	14*th May* 1968
Coming into Operation	16*th May* 1968

In exercise of the powers conferred on me by section 76 of the Water (Scotland) Act 1946(a), section 20 of the Water (Scotland) Act 1949(b) and section 11 of the Water (Scotland) Act 1967(c), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the Water (Adaptation and Modification of the Local Government (Scotland) Act 1947) (Scotland) Regulations 1968 and shall come into operation on 16th May 1968.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) Unless the context otherwise requires, any reference in these regulations to an enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

2. The provisions of Part XI of the Local Government (Scotland) Act 1947(e) (which relate to the levy and collection of rates and to requisitions) shall, in their application to the public water rate and domestic water rate levied under Part I of the Water (Scotland) Act 1949 and to requisitions by regional water boards and water development boards under section 11 of the Water (Scotland) Act 1967, have effect subject to the adaptations and modifications specified in the next succeeding regulation and, in respect of the sections of that Part specified in column 1 of the Schedule to these regulations, subject also to the adaptations and modifications specified in column 2 of that Schedule.

3. In the application of the said Part XI of the Local Government (Scotland) Act 1947 to the rates and requisitions referred to in the immediately preceding regulation, 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; and

(*b*) to a regional water board shall be construed as a reference to a regional water board as defined in section 34 of the Water (Scotland) Act 1967.

(a) 1946 c. 42. (b) 1949 c. 31. (c) 1967 c. 78.
(d) 1889 c. 63. (e) 1947 c. 43.

4.—(1) The Water (Adaptation and Modification of the Local Government (Scotland) Act, 1947) (Scotland) Regulations 1949(a) and the Water (Adaptation and Modification of the Local Government (Scotland) Act, 1947) Amendment (Scotland) Regulations 1950(b) are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
6th May 1968.

SCHEDULE

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

Column 1 *Section adapted or modified*	Column 2 *Adaptation or Modification of Section*
210 (which relates to requisitioning authorities)	The section shall not apply.
211 (which relates to the defrayal of the expenses of local authorities under public general Acts)	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)	The section shall not apply.
216 (which relates to requisitions by joint committees and joint boards)	The section shall not apply.
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)	The section shall not apply.

(a) S.I. 1949/1205 (1949 I, p. 4724). (b) S.I. 1950/947 (1950 II, p. 1509).

COLUMN 1 *Section adapted or modified*	COLUMN 2 *Adaptation or Modification of Section*
219 (which enacts provisions for securing payment of sums in requisition)	In the application of the section to requisitions by water development boards, for the words "rating authority" wherever they occur there shall be substituted the words "regional water board" and for the words "by rate" wherever they occur there shall be substituted the words "in accordance with section 11 of the Water (Scotland) Act 1967."
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—(1) If, at the time when any rates for the financial year then current are payable, an 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: (*a*) 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 or, in a year of revaluation, according to the said rateable value or the rateable value appearing in the entry in the valuation roll against which such appeal has been taken, whichever is the lesser; and (*b*) levy and recover the domestic water rate in respect of the lands and heritages according to the amount of the annual value thereof according to which any domestic water rate is levied under the Water (Scotland) Act 1949 as appearing in the valuation roll for the year immediately preceding or, in a year of revaluation, according to the said amount or the amount of the annual value of the lands and heritages according to which any domestic water rate is levied under the Water (Scotland) Act 1949 as appearing in the valuation roll against which such appeal has been taken, whichever is the lesser; 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

COLUMN 1 *Section adapted or modified*	COLUMN 2 *Adaptation or Modification of Section*
	annual value for the purposes of the domestic water rate as aforesaid, as determined, shall, if an overpayment has been made, be repaid by the rating authority and, if an underpayment has been made, be collected and recovered by the rating authority as if it were arrears of rates due and payable to the rating authority. (2) In this section "year of revaluation" has the meaning assigned to it by section 9 of the Valuation and Rating (Scotland) Act 1956."
233 (which relates to the assessment roll)	In subsection (1) for the words "also the gross annual value thereof where it differs from the rateable value" there shall be substituted the words "if different from the rateable value, the amount of the annual value thereof according to which domestic water rate is levied and the provisions of the Water (Scotland) Act 1949 under which that amount is determined."
245 (which enables the town council of a burgh to exempt from rates for a definite period lands newly included within the burgh boundary)	The section shall not apply in the case of the domestic water rate.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 11 of the Water (Scotland) Act 1967 provides that the provisions of Part XI of the Local Government (Scotland) Act 1947 relating to requisitions by local authorities shall apply to requisitions by regional water boards and water development boards subject to such adaptations and modifications as may be prescribed.

Section 20 of the Water (Scotland) Act 1949 provides that the provisions of Part XI of the Local Government (Scotland) Act 1947 shall, in their application to the public water rate and the domestic water rate levied under Part I of the Act of 1949, have effect subject to such adaptations and modifications as may be prescribed.

The necessary adaptations and modifications are set out in these regulations. The regulations also replace the regulations made in 1949 and 1950 under section 20 of the Water (Scotland) Act 1949.