



Scottish Assessors Association

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AK/SS

16 March 2018

Dear Stakeholder

CONSULTATION – INFORMATION TO BE PUBLISHED IN THE VALUATION ROLL

As you may be aware, the Scottish Assessors' Association is currently consulting stakeholders regarding a proposed change which would result in the address of the proprietor, tenant and occupier being added to the data specified in S2(b) of the Valuation Roll & Valuation Notice (Scotland) Order 1989. This legislation lists what data items are to be displayed by Assessors as part of the Valuation Roll and applies to non-domestic (i.e. commercial) properties only.

Details of this proposed change are set out below:

Background:

As you may be aware, the address details of all Proprietor, Tenant and Occupiers were routinely shown within the Valuation Roll until recently. Such address details are necessarily held and maintained by Assessors in order that valuation notices, return of information forms and other items of correspondence may be sent to these parties.

The practice of displaying the address details of each proprietor, tenant & occupier within the Valuation Roll has existed since 1854. It is interesting to note that Section 1 of the Lands Valuation (Scotland) Act 1854 originally adopted a similar form of words to that used today i.e:

S1 "The Commissioners of Supply of every County and the Magistrates of every Burgh in Scotland respectively shall annually cause to be made up a Valuation Roll, showing the yearly Rent or Value for the Time of the whole Land and Heritages within such County or Burgh respectively, and separately within each Parish or Part of a Parish situated within such County or Burgh respectively, and specifying in each Case the Nature of such Lands and Heritages, and the Names and Designations of the Proprietors or reputed Proprietors, and where there are Tenants or Occupiers, of the Tenants and of the Occupiers thereof respectively;..."

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The format of the Valuation Roll was set out in a schedule at the end of the 1854 Act and this is reproduced for information as an appendix to this document. It is quite clear from the schedule that information concerning address details was to be included e.g. the tenant details column required to show “E.F residing at –”.

The language used in the legislation which is currently applicable (the Valuation Roll and Valuation Notice (Scotland) Order 1989), is shown below. It will be noted that the current Order does not contain an example table to explain matters more fully.

“Valuation Roll and Valuation Notice (Scotland) Order 1989

2. Any valuation roll which comes into force on or after 1st April 1990 shall be in tabular form and shall include the following information in respect of any lands and heritages shown therein:—

(a) the description and situation of those lands and heritages;

(b) the name or names of the proprietor, tenant and occupier of those lands and heritages, as appropriate, together with their designations as such;”

This legislation has existed with virtually no complaints or adverse comments being made about the inclusion of address details. Indeed, the Valuation Roll has generally been regarded as the default source of information for any parties seeking to identify and make contact with the owner or occupier of a non-domestic property. Parties making use of such information include local authority departments (e.g. planning authorities, building control and others), architects seeking to serve notices on properties affected by planning proposals, Scottish Water and Licensed Providers supplying water services to the premises, other utility providers and many others.

However, recent investigations into data protection issues resulted in a concern that, in certain circumstances and notwithstanding that the Valuation Roll by definition relates only to non-domestic subjects, certain proprietor, tenant and occupier addresses may be considered to be personal data (e.g. in the case of sole traders or individuals).

Careful scrutiny of the existing legislation has highlighted that, notwithstanding the commonly accepted pre-existing practice, the Valuation Roll and Valuation Notice (Scotland) Order 1989 in its current form merely mandates that name or names of the proprietor, tenant or occupier shall be shown in the Roll, together with their designations as such. In the absence of a further table clarifying the position there is a concern that without a legislative gateway being in place, the publication of such address details in the Valuation Roll and via the internet may, in these particular instances, be contrary to data protection provisions. Since it is not possible to readily identify which non-domestic subjects in the Roll may be occupied by such individuals, all publication of address details has ceased. That position of course deprives potential users of the Valuation Roll the ability to identify a contact addresses for each proprietor, tenant or occupier, whether the property is occupied by a sole trader, an individual or a commercial organisation.

The proposed change:

The proposed change would amend the relevant section of the Valuation Roll and Valuation Notice (Scotland) Order 1989 to include the highlighted words:

“2.(b) the name or names **and address or addresses** of the proprietor, tenant and occupier of those lands and heritages, as appropriate, together with their designations as such.”

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The anticipated benefits:

This anticipated benefit of this change is that it would restore the situation that was common and accepted practice for many years – that is, the proprietor, tenant and occupier addresses are made available (on public display in local government offices and online) as part of this useful public resource. This information would therefore be available to local authority departments (e.g. planning authorities, building control and others), architects seeking to serve notices on properties affected by planning proposals, Scottish Water and Licensed Providers supplying water services to the premises, other utility providers and others.

The Association would very much welcome any views that you may have on this matter, whether you support or oppose the proposed change.

Responses should be sent by email to alastair.kirkwood@tayside-vjb.gov.uk by Wednesday, 18 April 2018.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alastair Kirkwood', written in a cursive style.

Alastair Kirkwood
Vice President
Scottish Assessors' Association

Consultees:

All members of the Scottish Ratepayers' Forum
All members of the Scottish Rating Surveyors' Forum
All members of the Scottish Business Ratepayer's group
All members of the Barclay Advisory Group

SCHEDULE referred to in the foregoing Act.

VALUATION ROLL FOR COUNTIES.

County of

Parish of

No.	Description of Subject.	Proprietor.	Tenant.	Occupier.	Yearly Rent or Value.				
					1854.	1855.	1856.	1857.	1858.
1	Farm of—	A. B. of C. - - -	E. F., residing at—	G. H., residing at—	150l.				
-	Do. - - -	Do. - - -	Do. - - -	Do. - - -	- - -	150l.			
-	Do. - - -	Do. - - -	Do. - - -	Do. - - -	- - -	- - -	150l.		
-	Do. - - -	Do. - - -	L. M., residing at—	L. M., residing at -	- - -	- - -	- - -	160l.	
-	Do. - - -	Do. - - -	Do. - - -	Do. - - -	- - -	- - -	- - -	- - -	160l.
2	House, Garden, and Grounds of—	O. P. Esq., Mining Engineer.	- - -	O. P. aforesaid -	40l.				
-	Do. - - -	Do. - - -	- - -	Do. - - -	- - -	40l.			
-	Do. - - -	R. S., Merchant in—	- - -	Do. - - -	- - -	- - -	40l.		
-	Do. - - -	Do. - - -	- - -	R. S., Merchant in—	- - -	- - -	- - -	35l.	
-	Do. - - -	Do. - - -	- - -	Do. - - -	- - -	- - -	- - -	- - -	35l.

VALUATION ROLL FOR BURGHS.

Burgh [*or* City] of

Year

No.	Description of Subject.	Proprietor.	Tenant.	Occupier.	Yearly Rent or Value.	
1	House, 9, High Street	A. B., residing at—	C. D., Merchant -	C. D., Merchant -		70l.
2	Shop, 10, Do.	E. F., Architect -	G. H., Draper -	G. H., Draper -		50l.