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STATUTORY INSTRUMENTS

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**1992 No. 611**

**RATING AND VALUATION**

**The Non-Domestic Rating (Alteration of Lists and Appeals)(Amendment) Regulations 1992**

<i>Made</i>	- - - -	<i>10th March 1992</i>
<i>Laid before Parliament</i>		<i>11th March 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 55(2) and (6) and 143(1) and (2) of the Local Government Finance Act 1988(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Non-Domestic Rating (Alteration of Lists and Appeals) (Amendment) Regulations 1992 and shall come into force on 1st April 1992.

**Amendment of Regulations**

2. The Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1990(2) are amended in accordance with regulations 3 and 4 below.

**Time from which alteration is to have effect: general**

3. In regulation 4—

- (a) in paragraph (1) for the words “regulations 6 and 42” there are substituted the words “regulations 6A, 6B and 42”; and
- (b) for sub-paragraph (b) of paragraph (2) there is substituted—
  - “(b) has ceased to be, or become, domestic property or exempt from non-domestic rating;”.

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(1) 1988 c. 41.  
(2) S.I.1990/582; relevant amending instruments are S.I.1990/769 and 1822.

## Limit to day from which alteration has effect

4. For regulation 6 there is substituted the following—

### “Alterations on and after 1st April 1992

**6A.**—(1) Where, in relation to an alteration which falls to be made on or after 1st April 1992, other than an alteration—

- (a) made in pursuance of paragraph (3) or (4) (completion notices) of regulation 4,
- (b) required to be made as mentioned in regulation 6B, or
- (c) made in pursuance of the order of a tribunal under Part V of these Regulations,

the day determined in accordance with regulation 4 as the day from which it has effect precedes 1st April 1992, the alteration shall have effect, subject to paragraph (2), from 1st April 1992.

(2) Where the alteration—

- (a) is made in consequence of a proposal made before 1st April 1992, or
- (b) is made, pursuant to regulation 32(2), in relation to an alteration mentioned in regulation 16(3) and made before that day, and
- (c) would have had effect, had regulation 6 continued in force, from a day earlier than 1st April 1992,

the alteration shall have effect from that earlier day.

(3) Where—

- (a) an alteration is made in accordance with paragraph (1) or (2); and
- (b) within the period of six weeks beginning with—
  - (i) in the case of an alteration of which notice is given under regulation 8(2), the day of service of the notice,
  - (ii) in any other case, the day on which the list is altered,

the person who at the time of the alteration was the ratepayer in relation to the hereditament to which the alteration relates requires the valuation officer, by notice in writing served on him, to substitute for the day shown in the list the day that would have been determined, as regards that alteration, in accordance with regulation 4 if paragraph (1) or, as the case may be, paragraph (2) had not applied,

the valuation officer shall alter the list accordingly.

(4) In this regulation and regulation 6B below, “regulation 6” means the regulation for which this regulation and regulation 6B are substituted.

### Alterations: further provisions

**6B.** Where, in relation to an alteration made before 1st April 1992—

- (a) the day from which the alteration has effect was determined in accordance with regulation 6; and
- (b) that day is not the day which, but for regulation 6, would have been determined in accordance with paragraph (2), (5), (6), (6A) or (6B) of regulation 4, as the case may be,

the person who on 1st April 1992 is the ratepayer as regards the hereditament to which the alteration relates may, by notice in writing given to the valuation officer at any time before a new list is compiled, require him to substitute, for the day shown in the list, the

day that would have been determined in accordance with regulation 4 (ignoring for this purpose regulation 6) as regards that alteration; and the valuation officer shall alter the list accordingly.”.

10th March 1992

*Michael Heseltine*  
Secretary of State for the Environment

10th March 1992

*David Hunt*  
Secretary of State for Wales

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1990 (“the principal Regulations”).

Regulation 3 amends regulation 4 of the principal Regulations in two respects. Firstly, regulation 4 is made subject to the new regulations 6A and 6B which are inserted by regulation 4 of these Regulations. Secondly, provision is made for the determination of an effective date in relation to an alteration of a local non-domestic rating list which reflects the fact that a hereditament has become or has ceased to be domestic property.

Regulation 4 substitutes new regulations 6A and 6B for regulation 6 of the principal Regulations. The effect of the new regulation 6A is that, subject to certain exceptions, the effective date in relation to any alteration made on or after 1st April 1992 to a local non-domestic rating list is the date determined in accordance with regulation 4 of the principal Regulations or, if later, 1st April 1992. The exceptions relate to proposals and certain alterations made before 1st April 1992, where the effective date is that which would have been determined if these Regulations had not been made, and to cases where the ratepayer requires an effective date earlier than 1st April 1992.

The new regulation 6B relates to alterations made before 1st April 1992. It allows a ratepayer, in certain circumstances, to require the valuation officer to substitute an earlier date for the effective date shown in the list.