



General Rate Act 1967

1967 CHAPTER 9

PART VII

MISCELLANEOUS AND GENERAL

117 Repeals and savings.

- (1) The enactments specified in Part I of Schedule 14 to this Act are hereby repealed to the extent respectively specified in the third column of that Schedule; and the instruments or parts of instruments specified in Part II of that Schedule are hereby revoked.
- (2) The following enactments, namely, the Rating (Interim Relief) Act 1964 and section 47 of this Act, are hereby repealed as from 1st April 1968 except as respects any period before that date; but nothing in this Act shall affect the operation of the said Act of 1964 as respects any such period.
- (3) Any instrument in force at the commencement of this Act and made or having effect as if made under any enactment repealed by and re-enacted in this Act, and anything whatsoever done under or by virtue of any such enactment, shall be deemed to have been made or done under or by virtue of the corresponding provision of this Act; and anything begun under any such enactment may be continued under this Act as if begun under this Act.
- (4) Any question with respect to the matters dealt with by this Act arising in respect of, or of a liability incurred during, any period before the commencement of this Act shall be determined as if this Act had not been passed.
- (5) Subject as otherwise expressly provided in this Act, nothing therein contained shall affect—
 - (a) the principles on which hereditaments are to be valued or any privilege or any provision for the making of a valuation on any exceptional principle; or
 - (b) any exemption from or privilege in respect of rating conferred by any local Act or order; or
 - (c) any provision in any local Act under which the owner of a hereditament is liable to pay or bear a portion of any rate in relief of the occupier without

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- being entitled to any commission, reduction, or allowance in respect of that liability; or
- (d) any statutory provision authorising appointment of a person to raise a rate on default being made by a local authority in performing any duty or making any payment.
- (6) Subsection (5) of this section shall not apply to any exemption or privilege conferred by a local Act or order passed or made before 22nd December 1925 unless that exemption or privilege either—
- (a) is continued in operation by a scheme such as is mentioned in subsection (7) of this section which is for the time being in force; or
- (b) was enjoyed in practice immediately before the commencement of this Act; and, without prejudice to subsection (12) of this section, paragraphs (b) to (d) of the said subsection (5) shall not apply to the inner London boroughs, the City of London or the Temples.
- (7) Notwithstanding anything in this Act or in the provisions with respect to county roads of the Highways Act 1959, but subject to subsections (8) and (9) of this section, any scheme such as is mentioned in section 64(2) of the Rating and Valuation Act 1925 or section 301 of the said Act of 1959 for the purpose of securing the continued operation of any exemption from or privilege in respect of rating, being a scheme in force immediately before the commencement of this Act, shall continue in force and have effect as if included in this Act.
- (8) In the case of any hereditament the rating authority (or, where the exemption continued is an exemption from a highways rate, the council of the county in which the hereditament is situated) and all persons interested in the hereditament may agree that any privilege or exemption in respect of that hereditament continued by any such scheme as is mentioned in subsection (7) of this section shall be surrendered and extinguished in consideration of such payments as may be agreed between them.
- (9) The Minister may, on an application in that behalf made by any person affected by a scheme such as is mentioned in subsection (7) of this section and after publishing notice of the proposed order in such manner as he thinks proper, by order vary or amend the scheme as he thinks proper; but if any person, being a person who will in the opinion of the Minister be affected by the proposed order, gives notice in writing to the Minister that he objects to the proposed order—
- (a) the Minister shall, before making the order, direct a local inquiry to be held for the purpose of determining whether the order ought or ought not to be made; and
- (b) if the Minister after receiving the report of the inquiry is of opinion that the order ought to be made either as originally proposed by him or with any variations or modifications, he may make the order accordingly, but, unless the objection is withdrawn, the order shall be a provisional order only and shall not be of any validity unless and until it has been confirmed by Act of Parliament
- (10) Any of the following instruments in force immediately before the commencement of this Act, that is to say—
- (a) any order made under section 66 of the Rating and Valuation Act 1925 adapting the provisions of any local Act;
- (b) any order made under section 70(3) of the Local Government Act 1948 for the continuance in force of any provision of any local Act;

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- (c) any regulations made under section 71(a) to (c) of the said Act of 1948, shall continue in force in the like manner, subject to the like power of revocation or variation, as if the said section 66, 70(3) or 71(a) to (c), as the case may be, had been re-enacted in this Act.
- (11) Notwithstanding the repeal by this Act of section 5(4) of the Rating and Valuation Act 1961, section 41(2) of the Pipe-lines Act 1962 and section 3(7) of the Gas Act 1965, the Schedule to the Plant and Machinery (Rating) Order 1960 shall continue to have effect as amended by virtue of the said sections 5(4), 41(2) and 3(7).
- (12) Nothing in this Act shall affect the operation of any provision of a local Act or order so far as that provision was in force immediately before the commencement of this Act.
- (13) The provisions of this section and of sections 107 and 116 of this Act shall be without prejudice to the general application to this Act of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).