



General Rate Act 1967

1967 CHAPTER 9

PART I

THE GENERAL RATE

7 Appeal against rate.

- (1) Subject to subsection (2) of this section, any person who—
- (a) is aggrieved by any rate ; or
 - (b) has any material objection to the inclusion or exclusion of any person in or from, or to the amount charged to any person in, any rate ; or
 - (c) is aggrieved by any neglect, act, or thing done or omitted by the rating authority,
- may appeal in accordance with the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having jurisdiction in the rating district concerned; and notice of any such appeal shall be given to the rating authority and to any person other than the appellant with respect to whom the rate may be required to be altered in consequence of the appeal; and any such person shall, if he so desires, be heard on the appeal.
- (2) No appeal shall lie under this section in respect of any matter in respect of which relief might have been obtained under Part V of this Act by means of—
- (a) a proposal for the amendment of the current valuation list; or
 - (b) an objection to such a proposal; or
 - (c) an appeal against such an objection.
- (3) Any rate made by a rating authority shall be leviable and recoverable notwithstanding that notice has been given of an appeal against the rate under this section, except that, if such notice has been given by any person to the rating authority, then until the appeal has been determined or abandoned no proceedings shall be commenced or carried on to recover from that person any sum greater than that at which the last effective rate was charged in respect of the hereditament to which the appeal relates.
- (4) Where on an appeal under this section against any rate the court sees just cause to give relief, then—

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- (a) subject to subsection (5) of this section, the court shall amend the rate in such manner as the court thinks necessary for giving the relief, but shall not quash or wholly set aside the rate;
 - (b) if it appears to the court that, as a result of any such amendment, any sum paid in consequence of the rate by any person before the hearing of the appeal ought not to have been paid by or charged on that person, the court shall order that sum to be repaid to that person by the rating authority together with all reasonable costs, charges and expenses occasioned by that person having paid or been required to pay that sum ;
 - (c) if the rate is amended so as to make chargeable any person not previously charged or to increase the charge on any person, the rate as amended shall be leviable on and recoverable from that person in like manner as if it had always been in its amended form.
- (5) If, on an appeal under this section against any rate, the court is of opinion that, for the purpose of giving relief to the appellant, it is necessary that the rate should be wholly quashed, the court may quash the rate; but in that case, subject to subsection (6) of this section, all amounts charged by the rate shall be leviable and recoverable in like manner as if no appeal had been made and, when paid or recovered, shall be treated as payments on account of the next effective rate made for the rating area in question.
- (6) Where on an appeal under this section the court orders any rate to be quashed, the court may order that any sum charged on any person by that rate, or any part of a sum so charged, shall not be paid; and after the making of such an order no proceedings shall be commenced or continued for the purpose of levying or recovering that sum or part; but no person shall be deemed a trespasser or liable to any action for any warrant, order, act, or thing granted, made, executed or done by that person for the purpose of levying or recovering any sum before he had notice in writing of any order under this subsection providing for that sum not to be paid.
- (7) In this section, references to a rate shall be construed as references to that rate whether as originally made (in whatever form) or as it has been applied in relation to particular hereditaments.