



General Rate Act 1967

1967 CHAPTER 9

PART V

VALUATION LISTS

Alterations of current valuation list

83 Use of returns as evidence.

- (1) The provisions of this section shall apply to the use as evidence of—
 - (a) any return made under section 82 of this Act, section 58 of the Local Government Act 1948, section 40 or 41 of the Rating and Valuation Act 1925, or section 55, 56 or 57 of the Valuation (Metropolis) Act 1869 ;
 - (b) any return made in compliance with a request of the valuation officer, being a request made before 31st July 1953 for information which would have been reasonably required by the valuation officer for the purpose of preparing a valuation list if the Valuation for Rating Act 1953 had been in operation when the request was made.
- (2) Subject to the following provisions of this section, any return to which this section applies shall in any valuation proceedings be admissible as evidence of the facts stated in the return; and any document purporting to be a return to which this section applies shall, in any valuation proceedings, be presumed, unless the contrary is shown—
 - (a) to be such a return ;
 - (b) to have been made by the person by whom it purports to have been made ; and
 - (c) if it purports to have been made by that person as occupier, owner or lessee of a hereditament, or in any other capacity specified in the document, to have been made by him as such occupier, owner or lessee, or in that other capacity, as the case may be.
- (3) Returns to which this section applies shall not be used by or on behalf of the valuation officer as evidence in any valuation proceedings unless—

Status: This is the original version (as it was originally enacted).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

- (a) not less than fourteen days' notice, specifying the returns to be so used and the hereditaments to which they relate, has previously been given to the person who made the proposal to which the proceedings relate (where the proposal was not made by the valuation officer) and to every person who has served, and has not unconditionally withdrawn, a notice of objection to the proposal; and
 - (b) the valuation officer has permitted any such person, who has given not less than twenty-four hours' notice of his desire to do so, to inspect at any reasonable time, and to take extracts from, any of the returns specified in the notice under paragraph (a) of this subsection,
- (4) Subsections (2) and (3) of this section shall not apply to any proceedings relating to the ascertainment of the net annual value of a hereditament on the profits basis:

Provided that this subsection shall not be construed as preventing the use of any return in any such proceedings in circumstances where the return could be so used apart from this section.

- (5) Any person to whom notice relating to any hereditaments has been given under subsection (3)(a) of this section for the purposes of any valuation proceedings may give notice to the valuation officer specifying one or more other hereditaments as being hereditaments which are comparable in character or are otherwise relevant to the said person's case, and requiring the valuation officer—
- (a) to permit him at any reasonable time specified in the notice under this subsection to inspect, and (if he so desires) to take extracts from, all returns (if any) to which this section applies which relate to those other hereditaments and are in the possession of the valuation officer; and
 - (b) to produce to him at the hearing such of those returns as before the hearing he has informed the valuation officer that he requires:

Provided that the number of hereditaments specified in a notice under this subsection shall not exceed the number of hereditaments specified in accordance with paragraph (a) of subsection (3) of this section in the notice given by the valuation officer under that paragraph.

- (6) Where a notice has been given to the valuation officer under subsection (5) of this section, and the valuation officer refuses or fails to comply with the notice, the person who gave the notice may apply to the court or tribunal before which the valuation proceedings in question are to be brought; and if on any such application the court or tribunal is satisfied that it is reasonable to do so, the court or tribunal may by order direct the valuation officer to comply with the notice, either with respect to all the hereditaments specified therein or with respect to such one or more of those hereditaments as the court or tribunal may determine.
- (7) Subsection (6) of this section shall apply, with the necessary modifications, to proceedings on an arbitration as it applies to proceedings before a court.
- (8) An appeal shall lie from the decision of a local valuation court on an application under subsection (6) of this section as if it were a decision in the valuation proceedings to which the application relates.
- (9) In this section " valuation proceedings " means any of the following, that is to say, any proceedings on or in consequence of an appeal to a local valuation court, and any proceedings on or in consequence of a reference to arbitration under section 78 of this Act.