
STATUTORY INSTRUMENTS

1995 No. 609

RATING AND VALUATION

The Non-Domestic Rating (Alteration of Lists and Appeals) (Amendment) Regulations 1995

<i>Made</i>	- - - -	<i>7th March 1995</i>
<i>Laid before Parliament</i>		<i>8th March 1995</i>
<i>Coming into force</i>	- -	<i>31st March 1995</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) to (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 1995 and shall come into force on 31st March 1995.

Amendments to the 1993 Regulations

2.—(1) Subject to paragraphs (2) and (3), the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993(2) shall be amended in accordance with regulations 3 to 21 of these Regulations.

(2) The amendments made by regulation 3 shall apply in respect of a proposal made on or after 1st April 1995 to alter a list compiled on 1st April 1990.

(3) The amendments made by regulations 4 to 18 and 21 of these Regulations shall apply in respect of a proposal to alter a list compiled on or after 1st April 1995.

The making of proposals in relation to the 1990 list

3.—(1) In regulation 4(4), after “rateable value”, insert “or any other information” and, for “the alteration of that value”, substitute “an appropriate alteration”.

(2) For regulation 5(1)(d)(iii), substitute—

(1) 1988 c. 41. Section 55(4) and (5) is amended by paragraph 30 of Schedule 5 to the Local Government and Housing Act 1989 (c. 42).
(2) S.I. 1993/291 to which there are amendments not relevant to these Regulations.

“(iii) if it is believed that, by reason of a decision in relation to another hereditament of a valuation tribunal or the Lands Tribunal or of a court determining an appeal or an application for review from either such tribunal, the rateable value or any other information shown in the list is inaccurate, the information specified in paragraph (1A);”.

(3) After regulation 5(1), insert the following—

“(1A) The information required by paragraph (1)(d)(iii) is—

- (a) the identity of the hereditament to which the decision relates;
- (b) the name of the tribunal or court which made the decision;
- (c) the date of the decision;
- (d) the reasons for believing that the decision is relevant to the rateable value or other information to which the proposal relates; and
- (e) the reasons for believing, in the light of the decision, that the rateable value or other information to which the proposal relates is inaccurate.”.

Circumstances and periods in which proposals may be made

4. Omit regulation 4 and insert the following—

“Circumstances in which proposals may be made

4A.—(1) The grounds for making a proposal to alter a list are as follows—

- (a) the rateable value shown in the list for a hereditament was inaccurate on the day the list was compiled;
- (b) the rateable value shown in the list for a hereditament is inaccurate by reason of a material change of circumstances which occurred on or after the day on which the list was compiled;
- (c) the rateable value shown in the list for a hereditament by reason of an alteration made by a valuation officer is or has been inaccurate;
- (d) the rateable value or any other information shown in the list for a hereditament is shown, by reason of a decision in relation to another hereditament of a valuation tribunal, the Lands Tribunal or a court determining an appeal or application for review from either such tribunal, to be or to have been inaccurate;
- (e) the day from which an alteration is shown in the list as having effect is wrong;
- (f) a hereditament not shown in the list ought to be shown in that list;
- (g) a hereditament shown in the list ought not to be shown in that list;
- (h) the list should show that some part of a hereditament which is shown in the list is domestic property or is exempt from non-domestic rating but does not do so;
- (i) the list should not show that some part of a hereditament which is shown in the list is domestic property or is exempt from non-domestic rating but does so;
- (j) property which is shown in the list as more than one hereditament ought to be shown as one or more different hereditaments;
- (k) property which is shown in the list as one hereditament ought to be shown as more than one hereditament;
- (l) the address shown in the list for a hereditament is wrong;
- (m) the description shown in the list for a hereditament is wrong; and

(n) any statement required to be made about the hereditament under section 42 of the Act has been omitted from the list.

(2) Subject to paragraphs (5) and (6), an interested person may make a proposal where he has reason to believe that any of the grounds set out in paragraph (1) exists.

(3) Subject to paragraph (6), a relevant authority may make a proposal where it has reason to believe that any of the grounds set out in sub-paragraphs (b), (d) and (f) to (i) of paragraph (1) exists.

(4) Subject to paragraphs (5) and (6), a person who is not an interested person may make a proposal where he has reason to believe that either of the grounds set out in sub-paragraph (c) or (e) of paragraph (1) exists if he was an interested person at any time during which the alteration in question had effect.

(5) No proposal may be made on the grounds set out in paragraph (1)(c) to the extent that the alteration in question gives effect to the decision of a valuation tribunal, the Lands Tribunal or a court determining an appeal or an application for a review from either such tribunal in relation to the hereditament concerned.

(6) No proposal may be made, other than on the grounds set out in sub-paragraph (d) of paragraph (1), where a proposal to alter the same list in relation to the same hereditament and arising from the same facts has been considered and determined by a valuation tribunal (otherwise than as mentioned in regulation 40(4)) or, on appeal under regulation 47, by the Lands Tribunal.

Periods in which proposals may be made

4B.—(1) Subject to paragraphs (2) to (4), a proposal to alter a list compiled on or after 1st April 1995 may be made at any time before the first anniversary of the compilation of the next list.

(2) A proposal on the grounds set out in regulation 4A(1)(c) may be made at any time before the first anniversary of the compilation of the next list or the first anniversary of the alteration in question, whichever is the later.

(3) A proposal on the grounds set out in regulation 4A(1)(d) may be made at any time before the first anniversary of the compilation of the next list or the first anniversary of the decision in question, whichever is the later.

(4) A proposal on any of the grounds set out in sub-paragraphs (e) to (n) of regulation 4A(1) made to correct an inaccuracy which arose in the course of making a previous alteration may be made at any time before the first anniversary of the compilation of the next list or the first anniversary of the alteration in question, whichever is the later.”.

Manner of making proposals and information to be included

5. Omit regulation 5 and insert the following—

“**5A.**—(1) A proposal to alter a list shall be made by notice in writing served on the valuation officer which shall—

- (a) state the name and address of the proposer and the capacity in which he makes the proposal;
- (b) identify the property to which the proposal relates;
- (c) identify the respects in which it is proposed that the list be altered; and
- (d) include—

- (i) a statement of the grounds for making the proposal and, in the case of a proposal made on any of the grounds set out in paragraphs (1)(a) or (f) to (k) of regulation 4A, a statement of the reasons for believing that those grounds exist;
 - (ii) in the case of a proposal made on the grounds set out in regulation 4A(1)(b), a statement of the nature of the change in question and of the date on which the proposer believes the change occurred;
 - (iii) in the case of a proposal made on the grounds set out in regulation 4A(1)(c) or in the circumstances set out in regulation 4B(4), a statement identifying the alteration in question, whether by reference to the day on which the alteration was made or otherwise;
 - (iv) in the case of a proposal made on the grounds set out in regulation 4A(1)(d), the information specified in paragraph (2); and
 - (v) in the case of a proposal made on the grounds set out in regulation 4A(1)(e), a statement of the day proposed in place of the day shown in the list.
- (2) The information required by paragraph (1)(d)(iv) is—
- (a) the identity of the hereditament to which the decision in question relates;
 - (b) the name of the tribunal or court which made the decision;
 - (c) the date of the decision;
 - (d) the reasons for believing that the decision is relevant to the rateable value or other information to which the proposal relates; and
 - (e) the reasons for believing, in the light of the decision, that the rateable value or other information to which the proposal relates is inaccurate.
- (3) A proposal may deal with more than one hereditament only—
- (a) if it is made on the grounds set out in sub-paragraphs (j) or (k) of regulation 4A(1); or
 - (b) where the person making the proposal does so in the same capacity as respects each hereditament and each hereditament is within the same building or the same curtilage.
- (4) A proposal made on the grounds set out in sub-paragraphs (c) or (e) of regulation 4A(1) may include a request for either or both of the following—
- (a) the restoration of the list to its state before the alteration was made; and
 - (b) a further alteration of the list in respect of the hereditament.”.

Proposals treated as invalid

6. In regulation 7(3) and (4), for “regulation 4”, substitute “regulation 4B”.

Proposals agreed by valuation officer

7. For regulation 9, substitute the following—

“9. Where the valuation officer is of the opinion that a proposal is well-founded, he shall as soon as reasonably practicable alter the list accordingly.”.

Withdrawal of proposals

8. In regulation 10(3)(a), for “three months”, substitute “two months”.

Agreed alterations following proposals

9.—(1) In regulation 11(1)(a) and (4), for “six weeks”, substitute “two weeks”.

(2) In regulation 11(2)(e)(ii) and (4), for “three months”, substitute “two months” in each place where it occurs.

Disagreement as to proposed alteration

10. In regulation 12(1), for “six months”, substitute “three months”.

Advertising rights

11. In regulation 14(2), for “regulation 4(4)”, substitute “a proposal made on the grounds set out in regulation 4A(1)(b)”.

Notification of alteration

12.—(1) In regulation 18(1), for “six weeks”, substitute “four weeks”.

(2) For regulation 18(2), substitute the following—

“(2) Subject to paragraph (3), no later than the day on which notice is served under paragraph (1) the valuation officer shall serve notice on the ratepayer and on any current proposer as defined in paragraph (4) stating—

(a) the effect of the alteration; and

(b) subject to paragraph (3A), the effect of the application of this Part, and of Part VI, in relation to the alteration.”.

(3) In regulation 18(3), delete sub-paragraphs (a), (b) and (e) and “or” after sub-paragraph (d) and insert “or” after sub-paragraph (c).

(4) After regulation 18(3), insert the following—

“(3A) Paragraph (2)(b) does not apply in relation to an alteration effected for reflecting—

(a) a decision of the valuation officer that a proposal is well-founded;

(b) a decision, in relation to the hereditament which is the subject of the proposal, of a valuation tribunal or the Lands Tribunal or of a court determining an appeal or an application for review from either such tribunal; or

(c) an agreement under regulation 11.”.

Central rating lists: hereditaments in conventional assessment

13.—(1) For the heading to Part III and the words in regulation 19(1) up to and including the words “relevant pipe-lines”), substitute—

“ALTERATION OF CENTRAL RATING LISTS: RELEVANT HEREDITAMENTS

Relevant hereditaments

19.—(1) In relation to a hereditament (in this regulation referred to as a “relevant hereditament”) which is required by regulations under section 53 of the Act to be shown in a central non-domestic rating list and which does not fall within a description of hereditaments whose rateable value is specified in, or determined in accordance with rules prescribed by, an order under paragraph 3(2)(3) of Schedule 6 to the Act,”.

(3) Paragraph 3(2) is amended by paragraph 38(13) of Schedule 5 to the Local Government Housing Act 1989 (c. 42).

- (2) In regulation 19(1) after “paragraphs” insert “(2A),”.
- (3) In regulation 19(1)(c), delete “, being hereditaments consisting of relevant pipe– lines”.
- (4) For regulation 19(2), substitute the following—
 - “(2) The regulations are regulations 4A (except sub–paragraphs (j) and (k) of paragraph (1) and paragraph (3)), 4B, 5 to 7, 8(1)(a) and (2), 9 to 11, 12, 13(1), (2) (except paragraph (2)(a)(iv)) and (5) to (9), 15 to 17 and 18 (except paragraph (3)(d)).”.
- (5) After regulation 19(2), insert the following—
 - “(2A) Regulation 4A(1)(n) shall apply as if the reference to section 42 of the Act were a reference to section 53.”.
- (6) In regulation 19(5), for “a relevant pipe–line”, substitute “a relevant hereditament”.
- (7) In regulation 19(6), for “pipe–line”, substitute “hereditament to which the alteration or proposed alteration relates”.

Hereditaments in prescribed assessment: notification of alteration

- 14.—(1) In regulation 23(1), for “six weeks”, substitute “four weeks”.
- (2) In regulation 23(2), for “within six weeks of forming that opinion”, substitute “as soon as reasonably practicable”.

Hereditaments in prescribed assessment: circumstances in which proposals may be made

- 15. In regulation 24(3), for “six weeks”, substitute “two weeks”.

Hereditaments in prescribed assessment: proposals agreed by central valuation officer

- 16. For regulation 25, substitute the following—
 - “25. Where the central valuation officer is of the opinion that a proposal is well–founded, he shall as soon as reasonably practicable alter the list accordingly.”.

Hereditaments in prescribed assessment: agreed alterations following proposals

- 17. In regulation 27(a), for “six weeks”, substitute “two weeks”.

Hereditaments in prescribed assessment: disagreement as to proposed alteration

- 18. In regulation 28(1), for “six months”, substitute “three months”.

Appeals

- 19. Insert “of these Regulations or under regulation 36 of the Non–Domestic Rating (Chargeable Amounts) Regulations 1994(4)”—
 - (a) in regulation 34(5), after “regulation 30(1)”; and
 - (b) in regulations 2(1) and (3)(a), 38(1)(b), 40(12), 44(2) and 47(1), after “30” in each place where it occurs.
- 20. In regulation 44(2), at the end, insert “or any certification given by him for the purposes of the Non–Domestic Rating (Chargeable Amounts) Regulations 1994, as the case may be”.
- 21. In regulation 44(3), for “six weeks”, substitute “two weeks”.

Signed by authority of the Secretary of State for the Environment

6th March 1995

David Curry
Minister of State,
Department of the Environment

Signed by authority of the Secretary of State for Wales

7th March 1995

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

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EXPLANATORY NOTE

(This note is not part of the Regulations)

The Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993 govern the alteration of non-domestic rating lists. They provide for the alteration of lists by valuation officers, proposals by other persons for alterations and appeals to valuation tribunals where there is a disagreement about a proposal between a valuation officer and the proposer.

These Regulations amend the 1993 Regulations as follows in relation to proposals made after 1st April 1995 to alter a non-domestic rating list compiled on 1st April 1990—

a proposal may be made following a decision in relation to another hereditament of a valuation tribunal or the Lands Tribunal where the proposer has reason to believe that not only, as at present, the rateable value but also any other information shown in the list in relation to that hereditament has been shown by virtue of that decision to be wrong (regulation 3(1));

where a proposal is made following a decision in relation to another hereditament of a valuation tribunal or the Lands Tribunal, additional details concerning the decision and its relevance to the rateable value or other information in question are required (regulation 3(2) and (3)).

These Regulations amend the 1993 Regulations as follows in relation to proposals to alter a non-domestic rating list compiled on or after 1st April 1995—

a proposal on any grounds other than those set out in new regulation 4A(1)(c) and (d) must be made before the first anniversary of the compilation of the next list (new regulation 4B(1));

a proposal on the grounds set out in new regulation 4A(1)(c) (proposal following an alteration by a valuation officer) must be made before the first anniversary of the compilation of the next list or the first anniversary of the alteration in question, whichever is the later (new regulation 4B(2));

a proposal on the grounds set out in new regulation 4A(1)(d) (proposal following a decision of a valuation tribunal or the Lands Tribunal) must be made before the first anniversary of the compilation of the list or the first anniversary of the decision in question, whichever is the later (new regulation 4B(3));

a proposal on the grounds set out in sub-paragraphs (e) to (n) of new regulation 4A(1) made to correct an inaccuracy which arose in the course of making a previous alteration must be made before the first anniversary of the compilation of the next list or the first anniversary of the alteration in question, whichever is the later (new regulation 4B(4));

where a proposal is made on the grounds set out in new regulation 4A(1)(d) additional details concerning the decision and its relevance to the proposal are required (new regulation 5A(1) and (2));

the time allowed for the valuation officer or central valuation officer to deal with certain matters is reduced (regulations 8 to 10, 12(1), 14, 15, 17, 18 and 21);

the circumstances in which notification of an alteration is required are extended (regulation 12(2) to (4));

and consequential amendments are made.

Regulations 7 and 16 alter the provisions about the action to be taken when the valuation officer or central valuation officer considers that a proposal to alter a list is well founded.

Amendments are also made which are consequent upon the removal of certain hereditaments from prescribed assessment for the purposes of non-domestic rating and the certification of rateable

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values by valuation officers under the Non-Domestic Rating (Chargeable Amounts) Regulations 1994 (S.I.1994/3279) (regulations 19 and 20).