



Local Government, Planning and Land Act 1980

1980 CHAPTER 65

PART V

RATES

Valuation

28 New valuation lists

In section 68 of the General Rate Act 1967 (" the 1967 Act") the following shall be substituted for subsection (1) (new valuation lists to be prepared every 5 years)—

“(1) In the case of each rating area, new valuation lists shall be prepared and made by the valuation officer so as to come into force on 1st April in such year as the Secretary of State may by order from time to time specify.

(1A) An order under this section shall have no effect until approved by resolution of each House of Parliament.”.

29 Ascertainment of rateable value of non-industrial buildings

(1) In section 19 of the 1967 Act in subsection (2) (ascertainment of rateable value of houses and other non-industrial buildings) for the words from " consisting" to " other land " there shall be substituted the words " which is a dwelling-house, a private garage or private storage premises. ".

(2) In subsection (6) of that section the definition of "house " shall be omitted and at the end of the subsection there shall be added—

“ private garage ' means a building having a floor area not exceeding 25 square metres which is used wholly or mainly for the accommodation of a motor vehicle (and for this purpose ' building' includes part of a building);

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' private storage premises ' means a hereditament which is used wholly in connection with a dwelling-house or dwelling-houses and wholly or mainly for the storage of articles of domestic use (including bicycles and similar vehicles) belonging to persons residing there”.

(3) After subsection (6) of that section there shall be added—

“(7) For the purposes of this section a hereditament that is not in use shall nevertheless be treated as a dwelling-house, a private garage or private storage premises if it appears that, when next in use, it will be a hereditament of that description.”.

(4) The Secretary of State may by regulations make a scheme for the purpose of giving transitional relief, in such manner, in such cases and subject to such conditions as may be prescribed by the regulations, to persons liable to rates in respect of hereditaments of which the net annual values are, in consequence of this section, ascertained in accordance with section 19(3) of the 1967 Act instead of in accordance with section 19(2); and a scheme may make different provision for different cases and for different rate periods.

(5) The power to make regulations under subsection (4) above shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

30 Valuation and adjusted valuation

(1) After section 19 of the 1967 Act there shall be inserted—

“19A Time by reference to which valuations to be made.

(1) Any net annual value to be ascribed to a specified hereditament under section 19 of this Act in a new valuation list coming into force on 1st April in any year shall be ascertained by reference to such earlier time as the Secretary of State may by order specify, but on the assumptions set out in subsection (2) below.

(2) The assumptions referred to in subsection (1) above are that at the time specified in the order—

- (a) the hereditament was subsisting in the same state as at the time when the list comes into force;
- (b) any relevant factors (as defined in section 20(2) of this Act) were those subsisting at the time when the list comes into force; and
- (c) the locality in which the hereditament is situated was in the same state, so far as concerns the other premises situated in that locality and the occupation and use of those premises, the transport services and other facilities available in the locality, and other matters affecting the amenities of the locality, as at the time when the list comes into force.

(3) Where an order under subsection (1) above operates for any year, any net annual value to be ascribed to an unspecified hereditament in the new valuation list coming into force on 1st April in that year—

- (a) shall be the same value as was ascribed to the hereditament in the old list, that is, the valuation list in force immediately before the coming into force of the new valuation list, or

- (b) (if no such value was ascribed) shall be the value which would properly be ascribed to the hereditament if the old list were still in force and were altered in pursuance of a proposal made on the date of the new valuation list coming into force.
- (4) In this section "specified hereditament" means a hereditament of such a class as may be specified in the order under subsection (1) above and "unspecified hereditament" means a hereditament not of such a class.
- (5) This section does not apply to a hereditament which is occupied by a public utility undertaking and of which the value falls to be ascertained on the profits basis.
- (6) An order under this section shall have effect for the purposes of all lists coming into force on the 1st April to which the order relates.
- (7) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

19B Adjusted rateable values.

- (1) In a case where the Secretary of State so provides by order in relation to a new valuation list to come into force on 1st April in any year, the rateable value of a specified hereditament or of an unspecified hereditament (depending on which the order provides) shall be arrived at by taking, instead of the net annual value, that value as adjusted by a method prescribed in the order.
 - (2) Any method so prescribed shall be such as in the Secretary of State's opinion will preserve the ratio which he estimates will exist, immediately before the coming into force of the new valuation list, between the rateable values of specified hereditaments in England and Wales as a whole and the rateable values of unspecified hereditaments in England and Wales as a whole.
 - (3) Before prescribing a method, the Secretary of State shall consult—
 - (a) such associations of local authorities, as appear to him to be concerned; and
 - (b) any local authority, and any other body of persons, with whom consultation appears to him to be desirable.
 - (4) In this section "specified hereditament" and "unspecified hereditament" have the same meanings as in section 19A of this Act.
 - (5) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (2) In section 20(1) of the 1967 Act (valuation according to tone of list) for the words "the year before that in which the valuation list came into force" there shall be substituted the words "the relevant year".
- (3) After section 20(1) of the 1967 Act there shall be inserted: —
- “(1A) Subject to subsection (1B) of this section, in subsection (1) of this section 'the relevant year' means the year before that in which the valuation list came into force.

- (1B) Where an order under section 19A(1) of this Act operates for any year, then, in relation to a hereditament which is an unspecified hereditament within the meaning of that section, in subsection (1) of this section 'the relevant year' means—
- (a) the year before that in which there came into force the last valuation list in which the net annual value ascribed to the hereditament was ascertained in accordance with section 19 of this Act, or
 - (b) (if no net annual value, ascertained in accordance with section 19 of this Act, has been ascribed to the hereditament) the year before that in which there came into force the last valuation list in which a net annual value, ascertained in accordance with section 19 of this Act, would have been ascribed to the hereditament if it had been subsisting on 1st April 1973.”.

Fish Farms

31 Rating exemption for fish farms in England and Wales

After section 26 of the 1967 Act there shall be inserted—

“26A Fish farms.

- (1) Neither of the following—
 - (a) land;
 - (b) buildings (other than dwellings),
 shall be liable to rates or to be included in any valuation list or in any rate if used solely for or in connection with fish farming.
- (2) The gross value for the purposes of section 19(2) of this Act of a house occupied in connection with land or buildings used solely for or in connection with fish farming and used as the dwelling of a person who—
 - (a) is primarily engaged in carrying on or directing fish farming operations on that land or in those buildings ; or
 - (b) is employed in fish farming operations on that land or in those buildings in the service of the occupier thereof and is entitled, whether as tenant or otherwise, so to use the house only while so employed,
 shall, so long as the house is so occupied and used, be estimated by reference to the rent at which the house might reasonably be expected to let from year to year if it could not be occupied and used otherwise than as mentioned in this subsection or in section 26(2) of this Act.
- (3) In determining for the purposes of this section whether land or a building used for or in connection with fish farming is solely so used no account shall be taken of any time during which it is used in any other way, if that time does not amount to a substantial part of the time during which the land or building is used for or in connection with fish farming.
- (4) In this section—

" building " includes a separate part of a building; and

" fish farming" means the breeding or rearing of fish or the cultivation of shellfish (including crustaceans and molluscs of any description) for the purpose of producing food for human consumption or for transfer to other waters but does not include the breeding, rearing or cultivation of any fish or shellfish—

- (a) which are purely ornamental, or
- (b) which are bred, reared or cultivated for exhibition.”.

32 Rating exemption for fish farms in Scotland

After section 7 of the Valuation and Rating (Scotland) Act 1956 there shall be inserted—

“7A Provisions relating to lands and heritages used for fish farming and dwelling houses occupied in connection therewith.

- (1) For the purpose of any valuation roll in force for the year 1981-82 or any subsequent year or for the making up of any valuation roll for any subsequent year the following provisions of this section shall have effect regarding lands and heritages to which this section applies and dwelling-houses occupied in connection therewith.
- (2) This section applies to—
 - (a) lands and heritages (other than dwelling houses) used solely for or in connection with fish farming; and
 - (b) lands and heritages consisting of—
 - (i) one or more buildings (other than dwelling-houses) used solely for or in connection with fish farming; or
 - (ii) any land occupied together with and used solely in connection with the use of such building or buildings.
- (3) No lands and heritages to which this section applies shall be entered in the valuation roll, and any reference in any enactment to the person appearing from the valuation roll to be the owner or the occupier of any lands and heritages shall on and after the first day of April nineteen hundred and eighty-one, have effect in the case of lands and heritages to which this section applies as if the reference to the valuation roll were omitted.
- (4) Subsections (5) to (8) of section 7 of this Act shall have effect in relation to the gross annual value of any dwelling-house which—
 - (a) is occupied in connection with lands and heritages to which this section applies; and
 - (b) is used as the dwelling-house of a person engaged primarily in carrying on or directing fish farming operations on these lands and heritages or employed in connection with fish farming thereon; and
 - (c) is suitable in character and size for such use in connection with those lands and heritages

as they have in relation to the gross annual value of any dwelling-house referred to in subsection (4) of that section, and in that connection any reference in the said subsections (5) to (8) to agricultural lands and heritages shall be construed as a reference to lands and heritages to which this section applies.

Status: This is the original version (as it was originally enacted).

- (5) Where part of lands and heritages consists of one or more buildings or one or more parts of buildings (being a part of lands and heritages which is used for such a purpose that if it were in separate occupation it would be lands and heritages to which this section applies), then that part of the lands and heritages and the remainder shall each be treated as respects the year 1981-82 and subsequent years for the purposes of the Valuation Acts as if it were lands and heritages in separate occupation.
- (6) In subsection (5) above, any reference to a building or part of a building shall be construed as including a reference to land occupied together with and used solely in connection with the use of such building or part.
- (7) In determining for the purposes of this section whether during any year a building used for or in connection with fish farming is solely so used, no account shall be taken of any time in that year during which it is used in any other way, if that time does not amount to a substantial part of that year.
- (8) In this section—
- " fish farming " means the breeding or rearing of fish or the cultivation of shellfish (including crustaceans and molluscs of any description) for the purpose of producing food for human consumption or for transfer to other waters but does not include the breeding, rearing or cultivation of any fish or shellfish—
- (a) which are purely ornamental, or
- (b) which are bred, reared or cultivated for exhibition.”.

Reliefs

33 Domestic rate relief

- (1) Section 48 of the 1967 Act shall be amended as-follows.
- (2) For subsections (1) and (1A) there shall be substituted—
- “(1) Every rating authority shall reduce the amount which, apart from this subsection, would be the amount of the rate levied by the authority for any year on any domestic or mixed hereditament in their area by the following amount in the pound—
- (a) in the case of a domestic hereditament, the standard amount;
- (b) in the case of a mixed hereditament in respect of which the proportion mentioned in subsection (5) of this section is greater than one half, one half of the standard amount;
- (c) in the case of a mixed hereditament in respect of which that proportion is greater than one quarter but not greater than one half, one quarter of the standard amount;
- (d) in the case of any other mixed hereditament, one eighth of the standard amount.
- (1A) In subsection (1) of this section "the standard amount" means—
- (a) the amount prescribed for the year for the rating; authority's area under paragraph 5 of Schedule 2 to the Local Government Act 1974 ;
- or

- (b) the amount specified for that year for their area in a Rate Support Grant Report under section 60 of the Local Government, Planning and Land Act 1980.
- (1B) The amounts in the pound to be determined under paragraphs (b), (c) and (d) of subsection (1) of this section shall be calculated to the nearest one tenth of a new penny (one half of one tenth being treated as less than one half).”.
- (3) In subsection (2) for the words from "dwelling-houses" to the end there shall be substituted the words " hereditaments within each of the paragraphs of subsection (1) of this section is equal to the amount provided for by that paragraph ".
- (4) In subsection (3) for the word " dwelling-house " there shall be substituted the words " domestic hereditament ".
- (5) After subsection (4) there shall be inserted—
- “(4A) In this section " domestic hereditament" means a hereditament which is—
- (a) a dwelling-house ; or
 - (b) a hereditament of an area not exceeding 25 square metres which is used wholly or mainly for the accommodation of a motor vehicle, other than a hereditament which—
 - (i) forms part of premises in which a business of providing services for motor vehicles is carried on, or
 - (ii) is provided by the keeper of a hotel, inn, guest-house or boarding-house and used wholly or mainly for the motor vehicles of his guests, or
 - (iii) is used for the accommodation of a motor vehicle for the time being chargeable with duty under Schedule 2, 3 or 4 to the Vehicles (Excise) Act 1971 (hackney carriages, tractors and goods vehicles) whether it is also used for any other vehicle or not; or
 - (c) private storage premises within the meaning of section 19 of this Act.”.
- (6) In subsection (5)—
- (a) for the word " dwelling-house " there shall be substituted the words " domestic hereditament " ; and
 - (b) for the words " the proportion thereof attributable to the part used for other purposes " there shall be substituted the words " one eighth ".
- (7) In subsection (6)—
- (a) for the word " proportions " there shall be substituted the word " proportion " ; and
 - (b) for the words from " refusal " to " purposes of this section " there shall be substituted the words " view taken by the rating authority ".

34 Payment by instalments

- (1) In section 50 of the 1967 Act—
- (a) in subsection (1) for the words from "and resides" to " and (b)" there shall be substituted the words " a hereditament which ";
 - (b) subsection (2) shall cease to have effect; and

Status: This is the original version (as it was originally enacted).

- (c) after subsection (4) there shall be inserted—
- “(5) This section shall not extend to a hereditament (not being a domestic hereditament) whose rateable value is less than a prescribed sum or is more than another prescribed sum.
- (6) In subsection (5) of this section ' domestic hereditament ' means a hereditament which either is a dwelling-house or (though not a dwelling-house) is within the meaning of section 115(3) of this Act used mainly for the purposes of a private dwelling or private dwellings, and ' prescribed' means prescribed by order of the Secretary of State.
- (7) The power to prescribe sums conferred by this section includes power to prescribe larger sums in relation to hereditaments in Greater London than in relation to hereditaments elsewhere.”.
- (2) In section 96(2) of that Act for the words " those rates shall be recoverable only " there shall be substituted the words " in any year, those rates shall not be recoverable before the end of the year except ".
- (3) In Schedule 10 to that Act for paragraph 1 there shall be substituted—
- “1 (1) A notice by any person under section 50(1) of this Act may be given at any time not earlier than 1st February preceding the beginning of a year and not later than the latest of—
- (a) 30th April in that year;
- (b) the twenty-eighth day after the first occasion on which a demand note for rates in respect of that year (or part of it) is served on him in respect of the hereditament in question;
- (c) in a year in which he first becomes qualified to serve such a notice in respect of the hereditament in question, the twenty-eighth day after he first became so qualified.
- (2) Subject to sub-paragraph (3) below, the effective date of a notice given under section 50(1) of this Act by any person shall be the date on which it is given or, if later, the date of the first occasion on which a demand note for rates in respect of the year (or part of the year) in which the notice is given is served on him.
- (3) Where the effective date of notice would, under the provisions of sub-paragraph (2) of this paragraph, fall within the last three months of a rate period, it shall instead be the first day of the following rate period.”.
- (4) Paragraph 2 of that Schedule shall cease to have effect.
- (5) In paragraph 5(c) of that Schedule—
- (a) the words from "(apart" to "this Act)" shall be omitted; and
- (b) after the word "accordingly" there shall be inserted the words " and may take account of any rebate granted in respect of the rates ".

Recovery of rates

35 Recovery of rates pending settlement

At the end of section 8 of the 1967 Act (which provides that in certain cases the amount recoverable pending settlement of a proposal to alter a new list shall not exceed the amount last levied increased by half the difference between that amount and the amount of the new charge) there shall be added—

- “(4) The Secretary of State may by order provide—
- (a) for subsection (1) of this section to have effect as if a reference to a fraction specified in the order were substituted for the reference to a half (or to a fraction specified in a previous order): or
 - (b) for the maximum amount that is recoverable by virtue of that subsection to be the greater of—
 - (i) an amount calculated in accordance with the provisions of that subsection (as modified by any provision made by virtue of paragraph (a) above), and
 - (ii) an amount equal to a percentage specified in the order of the amount that would be recoverable apart from that subsection ;and an order under this subsection may prescribe larger fractions or percentages in relation to different years, rating areas or classes of hereditament.
- (5) An order under subsection (4) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

36 Rating of owners and occupiers

- (1) Section 55 of the 1967 Act (allowance where owner rated instead of occupier) shall be amended as follows.
- (2) In subsection (2) for the words "ten per cent, of the amount payable " there shall be substituted the words " such proportion of the amount payable as the rating authority may by resolution determine ".
- (3) After subsection (2) there shall be inserted—
 - “(2A) The proportion determined must be the same for all hereditaments which are in the area of the authority and to which a direction under this section applies.
 - (2B) A proportion determined shall have effect for the rate period after that in which the determination is made and (subject to subsection (2C) of this section) for each subsequent one.
 - (2C) A proportion may be varied by a further determination and subsection (2B) of this section shall then apply.
 - (2D) Until an initial determination made by an authority under subsection (2) of this section has effect, the allowance shall be one equal to ten per cent, of the amount payable.”.
- (4) Section 56 of the 1967 Act (allowance where owner of rented hereditaments undertakes to pay or collect rates) shall be amended as follows.

Status: This is the original version (as it was originally enacted).

- (5) In subsection (1) for the words from "not exceeding" to the end there shall be substituted the words " equal to such proportion of the rates chargeable or due as the rating authority may by resolution determine ".
- (6) After subsection (1) there shall be inserted—
- “(1A) The proportion determined must be the same for all owners who make an agreement with the rating authority under each paragraph of subsection (1) of this section, but different proportions may be determined for the purposes of different paragraphs.
- (1B) A proportion determined for any paragraph shall have effect for the rate period after that in which the determination is made and (subject to subsection (1C) of this section) for each subsequent one.
- (1C) A proportion may be varied by a further determination for any paragraph, and subsection (1B) of this section shall then apply.
- (1D) Until an initial determination is made for subsection (1)(a) of this section, the allowance in the case of an undertaking under paragraph (a) shall be one not exceeding ten per cent.
- (1E) Until an initial determination is made for subsection (1)(b) of this section, the allowance in the case of an undertaking under paragraph (b) shall be one not exceeding seven and a half per cent.
- (1F) Until an initial determination is made for subsection (1)(c) of this section, the allowance in the case of an undertaking under paragraph (c) shall be one not exceeding five per cent.”.

37 Recovery of rates from owners

- (1) For section 60 of the 1967 Act (owner's liability for rates where occupier entitled to diplomatic immunity) there shall be substituted—
- “**60 Recovery of rates from owners.**
- (1) Where a hereditament is occupied on terms which provide that the owner shall pay the rates chargeable in respect of the hereditament, an amount equal to so much of any payment made by the occupier in respect of rent as represents the proportion of rates included in that payment may be recovered by the rating authority from the owner, or, where the rent is collected by an agent of his, either from him or from that agent, in the same manner and subject to the same conditions as a sum due from an occupier in respect of rates.
- (2) This section shall not apply in relation to rates recoverable from an owner by virtue of section 55 or 56 of this Act.”.
- (2) In section 115(1) of that Act, in paragraph (b) of the definition of "owner ", for the words " or 56 " there shall be substituted the words " 56 or 60 ".

38 Charges in respect of distress

In subsection (2) of section 101 of the 1967 Act (charges for levying distress) after the word " charges " there shall be inserted the words " in cases where the levy is not made and " .

39 Postponement of warrant of commitment

(1) In section 102 of the 1967 Act (imprisonment in default of sufficiency of distress) in subsection (1) after the word " Act" there shall be inserted " (a) " and at the end of that subsection there shall be added the words "or

(b) fix a term of imprisonment and postpone the issue of the warrant until such time and on such conditions (if any) as the court thinks just”.

(2) In subsection (5) of that section after the word " but", in the second place where it occurs, there shall be inserted the words—

“(a) where the warrant is issued after a postponement under subsection (1) (b) of this section and, since the term of imprisonment was fixed, the total of the sums referred to in subsection (3) of this section other than the costs of commitment has been reduced by part payment, the period of imprisonment imposed shall be the term fixed under subsection (1) (b) of this section reduced by such number of days as bears to the total number of days in that term less one day the same proportion as the part paid bears to that total; and

(b)”;

and for the words " the reduction required under " there shall be substituted the words " a reduction required under paragraph (a) or (b) of " .

(3) In section 103 of that Act (inquiry as to means before issue of warrant of commitment)

(a) at the end of subsection (1)(b) there shall be added the words " or fix a term of imprisonment " ; and

(b) in subsection (2) and (3) after the word " issued " there shall be inserted the words " or term of imprisonment fixed " .

40 Security for unpaid rates

At the beginning of Part VII of the 1967 Act there shall be inserted—

“107A Security for unpaid rates.

Where any sum is due by way of rates in respect of a domestic hereditament from a person who has an interest in the hereditament, he and the rating authority may agree—

(a) that his interest shall be charged to secure payment of that sum together with interest on it from the date of the agreement at a rate specified in the agreement, and

(b) that the authority shall not exercise any powers conferred by this Act to recover that sum by distress or otherwise ;

and on the making of such an agreement those powers shall cease to be exercisable in respect of that sum.”.

Unused and unoccupied property

41 Suspension of provision for liability to progressive surcharge in respect of unused office etc. property

- (1) The Secretary of State may by order direct that sections 17A (surcharge in respect of unused property) and 17B of the 1967 Act (supplemental provisions as to section 17A) shall cease to have effect.
- (2) If an order is made under subsection (1) above, the Secretary of State may by order again bring sections 17A and 17B of the 1967 Act into force.
- (3) An order under this section may make such incidental, supplemental and consequential provision as appears to the Secretary of State to be expedient for the purposes of the order.
- (4) The power to make such an order shall be exercisable by statutory instrument.
- (5) A statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

42 Rating of unoccupied property

- (1) Schedule 1 to the 1967 Act (rating of unoccupied property) shall be amended as follows.
- (2) In sub-paragraph (1) of paragraph 1, for the words “three months” there shall be substituted the words “the standard period”.
- (3) The following sub-paragraphs shall be inserted after that sub-paragraph: —
 - “(1A) In this Schedule ‘the standard period’ means three months or such other period as the Secretary of State may by order specify.
 - (1B) An order under sub-paragraph (1A) of this paragraph may specify different periods in relation to different classes of hereditament.”.
- (4) The following sub-paragraphs shall be substituted for subparagraph (2A) of that paragraph: —
 - “(2A) The owner of a relevant hereditament shall not be exempt from being rated under this Schedule in respect of that hereditament on the ground that the provisions of section 32, 33 or 34 of this Act would exempt the hereditament from being liable to be rated or to be included in any valuation list or in any rate, unless it appears that the relevant provisions will so exempt it when it is next occupied.
 - (2B) No reduction shall be made under section 48 of this Act in respect of any rates payable by an owner by virtue of this paragraph.
 - (2C) In this paragraph ‘the specified proportion’, in relation to a hereditament, means such proportion (not more than the current ceiling) as may be specified for the purposes of this paragraph by a resolution of the rating authority for the rating area in which the hereditament is situated; and different proportions may be so specified in relation to different classes of

hereditament and in relation to hereditaments in different parts of the rating area.

- (2D) Subject to sub-paragraph (2E) of this paragraph, in sub-paragraph (2C) of this paragraph 'the current ceiling' means the whole of the amount of rates which, disregarding section 48 of this Act, would be payable by the owner if he were in occupation of the hereditament and, in a case to which sub-paragraph (2A) or sub-paragraph (2B) of this paragraph applies, if the hereditament were being used as mentioned in that sub-paragraph.
- (2E) Subject to sub-paragraph (2F) of this paragraph, the Secretary of State may from time to time by order vary the proportion of the amount mentioned in sub-paragraph (2D) of this paragraph which is to be the current ceiling for the purposes of this paragraph.
- (2F) No order under sub-paragraph (2E) of this paragraph may so vary that proportion as to make the current ceiling exceed the whole of the amount mentioned in sub-paragraph (2D) of this paragraph.
- (2G) Different proportions may be specified under sub-paragraph (2E) of this paragraph in relation to different classes of hereditament and in relation to hereditaments in different rating areas.”.
- (5) In sub-paragraph (3) of that paragraph, for the words "any period of three months during which the hereditament has been continuously unoccupied" there shall be substituted the words "whether the hereditament has been continuously unoccupied for the standard period".
- (6) In sub-paragraph (4) of that paragraph—
- (a) for the words "three months" there shall be substituted the words "the standard period"; and
 - (b) for the words "six months" there shall be substituted the words "the new house period".
- (7) The following sub-paragraph shall be inserted after that sub-paragraph: —
- “(5) In sub-paragraph (4) of this paragraph 'the new house period' means six months or such other period as the Secretary of State may by order specify.
- (6) A statutory instrument containing an order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (8) In paragraph 2 of that Schedule for the words “three months” there shall be substituted the words "the standard period. "
- (9) The following paragraph shall be inserted after paragraph 4 of that Schedule: —
- “4A (1) Subject to the provisions of this paragraph, section 40 of this Act shall also apply in relation to any relevant hereditament to which it did not apply when it was last occupied if—
- (a) it is owned by, or by trustees for, a charity; and
 - (b) such notice as is mentioned in sub-paragraph (2) below is given by the charity or, as the case may be, the trustees

Status: This is the original version (as it was originally enacted).

- (2) The notice is a notice in writing to the rating authority that it is intended that the hereditament shall be wholly or mainly used for the purposes of the charity or for the purposes of the charity and of other charities.
- (3) Subject to sub-paragraph (4) below, section 40 of this Act shall cease to apply to a hereditament by virtue of this paragraph on the expiry of a period of two years—
- (a) from the date on which the hereditament was acquired by the charity or by trustees for it; or
 - (b) from the passing of the Local Government, Planning and Land Act 1980,
- whichever is the later.
- (4) Section 40 of this Act shall cease to apply to a hereditament by virtue of this paragraph—
- (a) if the hereditament ceases to be owned by the charity or by trustees for it; or
 - (b) if it continues to be owned by the charity or by trustees for it, but it ceases to be the intention of the charity or, as the case may be, the trustees that it shall be used as mentioned in sub-paragraph (2) above.”.
- (10) The following definitions shall be substituted for the definition of " relevant period of vacancy " in paragraph 15 of that Schedule:—
- ““relevant period of vacancy ", in relation to a relevant hereditament, means any period during which the hereditament has been continuously unoccupied, beginning with the unoccupied rating day and ending with the day preceding that on which the hereditament becomes or next becomes occupied or ceases to exist; and
- " unoccupied rating day ", in relation to a relevant hereditament, means—
- (a) if the hereditament is a newly erected dwelling-house, the day following the end of the new house period (as defined in sub-paragraph (5) of paragraph 1 of this Schedule); and
 - (b) in any other case, the day following the end of the standard period (as defined in sub-paragraph (1A) of that paragraph).”

Miscellaneous

43 Clerks of local valuation panels

- (1) Section 92 of the 1967 Act (staff etc.) shall be amended as follows.
- (2) In subsection (1) after the words "every local valuation panel shall" there shall be inserted the words " (subject to subsection (1A) of this section) ".
- (3) After subsection (1) there shall be inserted—

“(1A) Two or more local valuation panels shall appoint one person to be the clerk of the panels if the Secretary of State directs the panels (after consulting them) to make such an appointment.

(1B) Where the panels mentioned in subsection (1A) of this section do not agree on the person to be appointed, they shall refer the matter to the Secretary of State and shall then appoint such person as he directs.”.

44 Notice of rate

In section 4(1) of the 1967 Act (which requires notice of every rate to be given within seven days after it is made) for the words " seven days after" there shall be substituted the words " the period of twenty-one days beginning with the day on which " .

45 Rate rebates

(1) Section 13 of the Local Government Act 1974 (persons who are residential occupiers for the purposes of rate rebate schemes) shall be amended as follows.

(2) In subsection (1) for paragraphs (a) to (c) there shall be substituted—

“(a) a person who resides or is usually resident in premises used for the purposes of a private dwelling and having at the relevant date a rateable value not exceeding the specified limit, and who is the occupier of the hereditament which consists of or includes the premises;

(b) a person who resides or is usually resident in such premises as are mentioned in paragraph (a) above and is not the occupier of the hereditament which consists of or includes the premises but—

(i) pays the rates chargeable in respect of the hereditament for the rebate period concerned, and

(ii) is the spouse or former spouse of a person who is the occupier of the hereditament but does not reside and is not usually resident there;

(c) a person who resides or is usually resident in such premises as are mentioned in paragraph (a) above, and who—

(i) is not the occupier of the hereditament which consists of or includes the premises, but

(ii) makes payments by way of rent in respect of the premises to the occupier of the hereditament or to any other person who is himself a residential occupier.”.

(3) For subsection (2) there shall be substituted—

“(2) Where two or more persons are joint occupiers of a hereditament or joint tenants of any premises, then for the purposes of rate rebates under the statutory rate rebate scheme or a local rate rebate scheme, but subject to any different provision made by the scheme, the rating authority may treat one of those persons as if he were the sole occupier of the hereditament or, as the case may be, the sole tenant of the premises”.

(4) In subsection (3) for the words "paragraph (b) and (c) of subsection (1)" there shall be substituted the words " subsection (1) " .

(5) The preceding provisions of this section shall have effect for rebate periods, within the meaning of Part II of that Act, beginning on or after such day as the Secretary of State may by order made by statutory instrument appoint.

- (6) There shall be paid out of money provided by Parliament any increase attributable to this section in the sums payable out of money so provided under the Local Government Act 1974.

46 Amendment of industrial etc. de-rating provisions: Scotland

In subsection (2) of section 10 of the Local Government (Financial Provisions) (Scotland) Act 1963 (Rateable value of industrial and freight transport lands and heritages)—

- (a) for the words " such immediately subsequent years, if any, as may be specified in the order " there shall be substituted the words " any subsequent years " ; and
- (b) for the words " so specified " there shall be substituted the words " specified in the order " .

47 Commencement and extent of Part V

- (1) The following provisions of this Act, namely—
- (a) sections 33, 34, 37 and 44, and
 - (b) the repeals contained in Part IX of Schedule 34 to this Act—
 - (i) of provisions of the General Rate Act 1967, other than the repeals in sections 19, 20 and 30 and Schedules 1 and 2 ;
 - (ii) of paragraph 28(3) of Schedule 2 to the Decimal Currency Act 1969;
 - (iii) of section 26 of the Greater London Council (General Powers) Act 1973 ; and
 - (iv) of paragraph 4 of Schedule 7 to the Local Government Act 1974,
 shall have effect for any rate period, within the meaning of the 1967 Act, beginning on or after such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions.
- (2) Section 31 above shall have effect for any rate period, within the meaning of the 1967 Act, beginning on or after 1st April 1981.
- (3) Sections 38, 39, and 40 above shall come into operation at the expiration of the period of one month beginning with the day on which this Act is passed.
- (4) The following provisions of this Act, namely—
- (a) section 29(1) to (3) above;
 - (b) paragraphs 6(2) and (3) and 10 of Schedule 33 to this Act;
 - (c) in paragraph 8 of that Schedule—
 - (i) sub-paragraph (2); and
 - (ii) sub-paragraph (3), in so far as it inserts subsections (5A) to (5C) in section 78 of the Housing Act 1964; and
 - (d) the repeals contained in Part IX of Schedule 34 to this Act of words in sections 19 and 30 of the 1967 Act,
- shall not have effect for any rate period, within the meaning of the 1967 Act, beginning before the first date after the passing of this Act on which new valuation lists come into force under section 68(1) of that Act.

- (5) The provisions of Schedule 33 to this Act which give the Secretary of State power by order to prescribe multipliers and which are specified in subsection (6)(a), (b) and (c) below shall not have effect until he exercises the power conferred by them.
- (6) The provisions of Schedule 33 mentioned in subsection (5) above are—
 - (a) paragraph 4 ; and
 - (b) in paragraph 8
 - (i) sub-paragraph (1);
 - (ii) sub-paragraph (3), in so far as it inserts subsections (5D) and (5E) in section 78 of the Housing Act 1964; and
 - (c) paragraph 14.
- (7) Subject to the foregoing provisions of this section, this Part of this Act and the repeals contained in Part IX of Schedule 34 to this Act shall come into force on the day on which this Act is passed.
- (8) Sections 32 and 46 above extend to Scotland only but, subject to that, this Part of this Act extends to England and Wales only.