
STATUTORY INSTRUMENTS

2006 No. 2954

The Rates (Amendment) (Northern Ireland) Order 2006

PART V

APPLICATIONS AND APPEALS

Valuation Tribunal

The Northern Ireland Valuation Tribunal

29.—(1) After Article 36 of the principal Order (the Commissioner, district valuers and the Valuation Office) there shall be inserted the following Article—

“The Valuation Tribunal

The Valuation Tribunal

36A.—(1) There shall be a tribunal to be known as the Northern Ireland Valuation Tribunal which shall exercise the jurisdiction conferred on it by this Order or any other statutory provision.

(2) In this Order “the Valuation Tribunal” means the Northern Ireland Valuation Tribunal.

(3) Schedule 9B (which makes further provision about the Valuation Tribunal) shall have effect.”.

(2) After Schedule 9A to the principal Order there shall be inserted as Schedule 9B the Schedule set out in Schedule 1.

Applications under Article 49 of the principal Order

Frivolous or vexatious applications

30. In Article 49 of the principal Order (revision of valuation list, and alteration, by district valuer), after paragraph (5) there shall be added the following paragraph—

“(6) If the district valuer decides that an application served on him is frivolous or vexatious—

(a) he shall serve on the applicant notice of his decision; and

(b) sub-paragraphs (a) and (b) of paragraph (1) shall not have effect in relation to that application.”.

Transfer of application from the district valuer to the Commissioner

31. After Article 49 of the principal Order there shall be inserted the following Article—

“Transfer to the Commissioner of application under Article 49

49A.—(1) The district valuer may, with the consent of the applicant, transfer to the Commissioner an application served on the district valuer under Article 49.

(2) Where an application is transferred under this Article, the functions of the district valuer in relation to the application served on him shall be exercisable by the Commissioner.”

Appeals to the Commissioner under Article 51 of the principal Order

Power to transfer appeal to the Lands Tribunal not to apply in prescribed cases

32. In Article 53 of the principal Order (power of Commissioner to transfer appeal to the Lands Tribunal), in paragraph (1), for the word “Where” there shall be substituted the words “Except in prescribed cases, where”.

Appeals from the Commissioner and the Valuation Tribunal

Appeals from the Commissioner and the Valuation Tribunal

33. For Article 54 of the principal Order (appeal to Lands Tribunal from decision of Commissioner) there shall be substituted the following Articles—

“Appeal from decision of Commissioner

54.—(1) Any person, other than the Department, who is aggrieved by—

- (a) the decision of the Commissioner under Article 49A or on an appeal under Article 51; or
- (b) an alteration made by the Commissioner in a valuation list in consequence of such a decision,

may appeal to the appropriate Tribunal.

(2) On an appeal under this Article the Tribunal may—

- (a) make any decision that the Commissioner might have made; and
- (b) if any alteration in a valuation list is necessary to give effect to the decision, direct that the list be altered accordingly.

(3) On an appeal under this Article, any valuation shown in a valuation list with respect to a hereditament shall be deemed to be correct until the contrary is shown.

(4) In this Order “the appropriate Tribunal” means—

- (a) in relation to such appeals as may be prescribed, the Valuation Tribunal;
- (b) in relation to any other appeals, the Lands Tribunal.

Appeal from decision or direction of Valuation Tribunal

54A.—(1) Any person who is aggrieved by any decision or direction of the Valuation Tribunal under Article 13(3) or 54(2) may, with the leave of—

- (a) the Lands Tribunal; or
- (b) the President of the Valuation Tribunal,

appeal to the Lands Tribunal.

(2) For the purposes of paragraph (1), the Commissioner shall be treated as a person aggrieved by a decision or direction of the Valuation Tribunal under Article 13(3) relating to a determination made by the Department.

(3) On an appeal under this Article the Lands Tribunal may—

- (a) make any decision that the Valuation Tribunal might have made;
- (b) if any alteration in a valuation list is necessary to give effect to the decision, direct that the list be altered accordingly;
- (c) remit the appeal or any matter arising on it to the Valuation Tribunal with such declarations or directions as the Lands Tribunal thinks proper.

(4) The Valuation Tribunal shall have regard to any declarations and obey any directions under paragraph (3)(c).

(5) On an appeal under this Article, any valuation shown in a valuation list with respect to a hereditament shall be deemed to be correct until the contrary is shown.”.