
STATUTORY INSTRUMENTS

1995 No. 609

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

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.”.