
STATUTORY INSTRUMENTS

1995 No. 623

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government Changes for England (Non-Domestic Rating, Alteration of Lists and Appeals) Regulations 1995

<i>Made</i>	- - - -	<i>8th March 1995</i>
<i>Laid before Parliament</i>		<i>9th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

The Secretary of State, in exercise of the powers conferred on him by sections 19(1) and (2) and 26(3) to (5) of the Local Government Act 1992⁽¹⁾ and of all other powers enabling him in that behalf and after consultation with the Council on Tribunals as required by section 8 of the Tribunals and Inquiries Act 1992⁽²⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Local Government Changes for England (Non-Domestic Rating, Alteration of Lists and Appeals) Regulations 1995 and shall come into force on 1st April 1995.

Interpretation

2.—(1) In these Regulations—

“list” means a local authority’s non-domestic rating list;

“the principal Regulations” means the Local Government Changes for England (Finance) Regulations 1994⁽³⁾;

“the 1993 Regulations” means the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993⁽⁴⁾;

“subsequent year” means a financial year beginning on or after the reorganisation date;

(1) 1992 c. 19.

(2) 1992 c. 53. See paragraph 28 in Part I of Schedule 1.

(3) S.I.1994/2825.

(4) S.I. 1993/291. The 1993 Regulations were amended by the Non-Domestic Rating (Alteration of Lists and Appeals) (Amendment) Regulations (S.I. 1994 No. 1809) and the Non-Domestic Rating (Alteration of Lists and Appeals) (Amendment) Regulations 1995 (S.I. 1995 No. 609).

“relevant successor authority” means, in connection with non-domestic rates payable to the abolished authority in respect of hereditaments situated in a part of its area, the successor authority for that part; and

“transferred hereditament” means a hereditament which before the reorganisation date is shown in the list of a relinquishing authority and which, by virtue of the principal Regulations, is shown after that date in the list of the acquiring authority.

(2) In these Regulations the following expressions shall have the same meaning as in the principal Regulations—

“abolished authority”, “acquiring authority”, “preceding year”, “preliminary period”, “relinquishing authority”, “the reorganisation date”, and “section 17 order”.

Successor authorities

3.—(1) Anything done by or in relation to an abolished authority under the 1993 Regulations shall on or after the reorganisation date be treated as if it had been done by or in relation to the relevant successor authority.

(2) For the purposes of paragraph (1), anything done by or in relation to the valuation officer for the abolished authority shall on or after the reorganisation date be treated as if it had been done by or in relation to the valuation officer for the relevant successor authority.

Lists

4. Regulation 4A(6) of the 1993 Regulations shall have effect on or after the reorganisation date in respect of a transferred hereditament as if the lists of the relinquishing authority prior to the reorganisation date and of the acquiring authority after that date were the same list.

Change in area

5. In regulation 13(2)(iv) (time from which alteration is to have effect) of the 1993 Regulations, the reference to a change in the area of a relevant authority shall include a structural change effected by a section 17 order.

Proposals: relinquishing and acquiring authorities

6.—(1) Where in relation to a transferred hereditament a proposal for an alteration under regulations 4 or 4A of the 1993 Regulations—

(a) is made but not disposed of prior to the reorganisation date or is made on or after that date; and

(b) relates to or affects a preceding year and a subsequent year,

the proposal shall be treated on or after the reorganisation date as a proposal to alter the lists of the relinquishing authority and the acquiring authority.

(2) Subject to regulations 7 and 8, where in relation to a transferred hereditament a proposal for an alteration under regulations 4 or 4A of the 1993 Regulations is made but not disposed of prior to the reorganisation date or is made on or after that date, on or after the reorganisation date—

(a) references in the 1993 Regulations to the “relevant authority” shall have effect as if they were references to the acquiring authority, and for this purpose anything done by or in relation to the relinquishing authority prior to the reorganisation date in connection with such a proposal shall be treated as if it had been done by or in relation to the acquiring authority;

- (b) references in the 1993 Regulations to the “valuation officer” shall have effect as if they were references to the valuation officer for the acquiring authority, and for this purpose anything done prior to the reorganisation date by or in relation to the valuation officer for the relinquishing authority shall on or after that date be treated as if it had been done by or in relation to the valuation officer for the acquiring authority; and
- (c) references in the 1993 Regulations to the “relevant valuation tribunal” shall have effect as if they were references to the valuation tribunal for the area of the acquiring authority.

Proposals: further provision

7.—(1) Subject to regulation 8, where, in relation to a transferred hereditament, a proposal for an alteration is made as described in regulation 6(2) which relates to a preceding year, whether or not it also relates to a subsequent year, on or after the reorganisation date—

- (a) references in regulations 4(1) and (4), 4A(3), 8(1)(b) (procedure subsequent to the making of proposals), and 11(2)(e) (agreed alterations following proposals) of the 1993 Regulations to a “relevant authority” shall include the relinquishing authority and the acquiring authority;
- (b) references in the 1993 Regulations to the “valuation officer” in relation to anything done by or in relation to the valuation officer prior to the reorganisation date shall have effect as if they were references to the valuation officer for the relinquishing authority, and for this purpose anything done by or in relation to such a valuation officer shall on or after the reorganisation date be treated as if it had been done by or in relation to the valuation officer for the acquiring authority;
- (c) references in the 1993 Regulations to the “valuation officer” in relation to anything done by or in relation to the valuation officer on or after the reorganisation date shall have effect as if they were references to the valuation officer for the acquiring authority, except in regulations 2(3)(a) (interpretation), 9 (proposals agreed by valuation officer), 11(1)(a) and (2)(a), 18(3A)(a) (notification of alteration) and 33(4)(c) (arrangements for appeals) of those Regulations where the references shall have effect as if they were references to the valuation officers for the relinquishing authority and the acquiring authority and except in regulation 12(1) (disagreement as to proposed alteration) where the reference shall have effect as if it were a reference to the valuation officer for the relinquishing authority or the acquiring authority; and
- (d) the reference to the “listing officer” in regulation 33(4)(b) shall have effect as if it included the listing officer for the relinquishing authority and the acquiring authority.

(2) For the purposes of paragraph (1), regulation 11(2)(e) of the 1993 Regulations shall apply as if the acquiring authority satisfied condition (i) in that regulation.

Appeals

8. In relation to an appeal under the 1993 Regulations which is to be disposed of by way of written representations or hearing and in respect of which, prior to the reorganisation date, the clerk of a valuation tribunal has served notice on the parties in accordance with regulations 35 (disposal by written representations) or 37 (notice of hearing) of those Regulations, on or after the reorganisation date—

- (a) that tribunal shall be the relevant valuation tribunal in relation to that appeal;
- (b) the relinquishing authority shall be the relevant authority which is a party under Part VI of the 1993 Regulations in relation to that appeal; and
- (c) the valuation officer for the relinquishing authority shall be the valuation officer under Part VI of the 1993 Regulations in relation to that appeal.

Parties and notice

9. In relation to a proposal for an alteration as described in regulation 6(1), on or after the reorganisation date—

- (a) subject to regulation 8, the parties to a proposal or appeal shall include the relinquishing authority and the acquiring authority; and
- (b) the references in regulations 8(1) and 11(2)(e) of the 1993 Regulations to a period for service by the valuation officer or service on him, respectively, shall have effect as if they were references to such a period commencing on the reorganisation date.

Alterations to the list

10. Where a relinquishing and an acquiring authority are in receipt of a list, or notice of alterations to a list, under regulation 31(1) or (2) of the principal Regulations, during the preliminary period—

- (a) the valuation officer for the relinquishing authority shall within 4 weeks of serving notice of the effect of any alterations to the valuation list of the relinquishing authority under regulation 18(1) of the 1993 Regulations in relation to a transferred hereditament notify the valuation officer for the acquiring authority;
- (b) the valuation officer for the acquiring authority shall as soon as is reasonably practicable after receipt of notice under paragraph (a) serve notice on the acquiring authority of the effect of the alteration; and
- (c) the acquiring authority shall as soon as is reasonably practicable after receipt of notice under paragraph (b) alter the copy of the list deposited at its principal office in accordance with regulation 31(1) of the principal Regulations or the copy of the notice of alterations to a list deposited at its principal office in accordance with regulation 31(2) of those Regulations.

Disqualification from participating

11. The reference in regulation 38(2) (disqualification from participating) of the 1993 Regulations to the area of an authority shall, on or after the reorganisation date and in relation to an appeal which relates to a transferred hereditament where the appeal relates to a preceding year, whether or not it also relates to a subsequent year, be construed as including the area of the relinquishing authority prior to the reorganisation date.

Completion notices and certifications

12.—(1) Where an appeal in relation to a transferred hereditament under regulation 29 (appeal against completion notices) of the 1993 Regulations or regulation 36 (appeals against certification) of the Non-Domestic Rating (Chargeable Amounts) Regulations 1994(5) (in this regulation referred to as the “1994 Regulations”) relates to or affects a preceding year and a subsequent year, subject to regulation 8, on or after the reorganisation date—

- (a) subject to paragraph (2), references in the 1993 Regulations to the “relevant authority” shall have effect as if they were references to the relinquishing authority and the acquiring authority;
- (b) references in the 1993 Regulations to the “valuation officer” in relation to anything done by or in relation to the valuation officer prior to the reorganisation date shall have effect as if they were references to the valuation officer for the relinquishing authority, and for this purpose anything done by or in relation to such a valuation officer shall be treated as if it had been done by or in relation to the valuation officer for the acquiring authority; and

(c) references in the 1993 Regulations to the “valuation officer” in relation to anything done by or in relation to the valuation officer on or after the reorganisation date shall have effect as if they were references to the valuation officer for the acquiring authority, except in regulation 34(5) (withdrawal), or regulation 36(3)(b) of the 1994 Regulations, where the references shall have effect as if they were references to the valuation officers for the relinquishing authority and the acquiring authority.

(2) In relation to an appeal described in paragraph (1), references in regulations 40(8)(b) (conduct of the hearing) and 42 (evidence of lists) of the 1993 Regulations to the “relevant authority” shall mean the acquiring authority.

(3) Where an appeal in relation to a transferred hereditament under regulation 30 (appeals against certification) of the 1993 Regulations or regulation 36 of the 1994 Regulations is made but not disposed of prior to the reorganisation date, the references in regulations 30(3) of the 1993 Regulations and 36(3) of the 1994 Regulations to the “relevant valuation tribunal” shall have effect on and after that date as if they were references to the valuation tribunal for the area of the acquiring authority.

Notification of further proceedings

13. The definition in regulation 49(2) (notification of further proceedings) of the 1993 Regulations of the “authority concerned” shall, where the alteration to the list relates to a transferred hereditament and a subsequent year, on or after the reorganisation date include the acquiring authority.

Signed by authority of the Secretary of State

8th March 1995

David Curry
Minister of State,
Department of the Environment

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Local Government Act 1992 makes provision for local government changes in England. Where recommendations for change are made by the Local Government Commission, the Secretary of State may make an order giving effect to those recommendations (“a reorganisation order”). The Local Government Changes for England (Finance) Regulations 1994 make transitional financial provisions in relation to reorganisation orders.

These Regulations make transitional and consequential amendments to the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993. The 1993 Regulations make provision for proposals to alter local rating lists and for appeals to valuation tribunals where there is disagreement between a valuation officer and another person making the proposal.

These Regulations provide for proposals affecting an authority which is abolished under a reorganisation order to be continued in relation to the successor authority for the area in which the hereditament is situated (regulation 3). The Regulations also provide that where there is a proposal in relation to a hereditament which, as a result of a reorganisation order, moves from the list of one authority to that of another, the relevant authority is the acquiring authority and the relevant valuation officer and valuation tribunal are those for that authority (regulation 6). Where an appeal in relation to such a proposal has been listed before the date for reorganisation, the relevant authority is the relinquishing authority, and the relevant valuation officer and tribunal are those for that authority (regulation 8). Where such a proposal affects a year before reorganisation, the Regulations provide that both the acquiring and relinquishing authorities are relevant authorities, the valuation officer is that for both authorities and the valuation tribunal is that for the acquiring authority (regulation 7).

The Regulations make similar provision for appeals under the 1993 Regulations against completion notices and certification under those Regulations and under the Non-Domestic Rating (Chargeable Amounts) Regulations 1994 (regulation 12).