
WELSH STATUTORY INSTRUMENTS

2005 No. 758

The Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005

PART 6

Miscellaneous and General

Miscellaneous amendments

43.—(1) Regulation 38 of the Valuation and Community Charge Tribunals Regulations 1989⁽¹⁾ is amended as follows —

(a) in paragraph (2), after sub-paragraph (b) insert —

“(bb) regulation 13 of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005;” and

(b) in paragraph (3)(c), after the words “regulation 12 of the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993” insert “regulation 13 of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005”.

(2) In regulation 2(1) of the Non-Domestic Rating (Payment of Interest) Regulations 1990⁽²⁾ for the definition “the Alteration and Appeals Regulations” substitute —

““the Alteration and Appeals Regulations” means regulations made under section 55 of the Act;”.

(3) For regulation 3(7) of the Non-Domestic Rating (Material Day for List Alterations) Regulations 1992⁽³⁾ there is substituted —

“(7) In any other case —

(a) where the determination is with a view to making an alteration to a list compiled before 1 April 2005, the material day is the day on which the proposal for the alteration in respect of which a determination falls to be made is served on the valuation officer or, where there is no such proposal, the day on which the valuation officer alters the list; and

(b) where the determination is with a view to making an alteration to a list compiled on or after 1 April 2005, the material day is —

(i) where the alteration is made in pursuance of a proposal, the day on which the proposal was served on the valuation officer;

(ii) where the alteration is not made in pursuance of a proposal —

(1) S.I.1989/439: relevant amendments are made by regulation 22 of S.I. 1993/292 and regulation 2(b) of S.I. 1993/615.
(2) S.I. 1990/1904: relevant amendments are made by regulations 3 and 5 of S.I. 1991/2111; regulation 2(a) of S.I. 1992/1515; article 3 of and Schedule 2 to S.I. 1993/616; and regulation 2 of S.I. 1993/1495.
(3) S.I. 1992/556.

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- (aa) if the day on which the circumstances giving rise to the alteration is reasonably ascertainable, the day on which the circumstances giving rise to the alteration occurred;
- (bb) if that day is not reasonably ascertainable, the day on which the valuation officer alters the list.”.

(4) For paragraph (2) of regulation 4C of the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993(4) substitute —

“(2) A proposal on the ground set out in regulation 4A(1)(c) may only be made before the day on which the next list is compiled or within six months of the date of the alteration, whichever is the later.”.

(5) After paragraph (14) of regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993 add —

“(14A) Notwithstanding the foregoing provisions of this regulation, where an alteration falls to be made after 31 March 2006 it shall have retrospective effect only if it is made in pursuance of a proposal.”.