STATUTORY INSTRUMENTS

1967 No. 498

RATING AND VALUATION

The Isles of Scilly (General Rate) Order 1967

Made - - - - 23*rd March* 1967

Coming into Operation 1*st April* 1967

The Minister of Housing and Local Government, in exercise of his powers under section 118(2) of the General Rate Act 1967(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

1. This order may be cited as the Isles of Scilly (General Rate) Order 1967.

2. This order shall come into operation on 1st April 1967.

3.—(1) The Interpretation Act 1889(b) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(2) In this order—
"the Act" means the General Rate Act 1967;
"the Council" means the Council of the Isles of Scilly; and
"the Isles" means the Isles of Scilly.

4. The following provisions of the Act shall not apply to the Isles—
Section 1(4)
Part II
Section 57(4) and (5)
Section 91(4)
Section 112
Schedule 5
and in paragraph 4(1) of Schedule 5 the reference to rating authorities in England and Wales shall not include the Council.

5. Any provision of the Act specified in column (1) of the following table shall apply to the Isles subject to the exceptions, adaptations and modifications set out in respect thereof in column (2).

TABLE

(1)	(2)
Section 2(1)	The words "including in that expenditure any sums payable to any other authority under precepts issued by that other authority," shall be omitted.
Section 5(1)	In item (*a*) for the words following "description thereof" there shall be substituted "as is reasonably necessary for purposes of identification". Item (*e*) shall be omitted. In item (*g*) for the words following "being levied for" there shall be substituted "the principal services provided".

(a) 1967 c. 9. (b) 52 & 53 Vict. c. 63.

TABLE (*continued*)

(1)	(2)
Section 7(1)	For the words between "may appeal" and "and notice" there shall be substituted— "to a special sessions of the justices of the peace acting in and for the Isles of Scilly;". There shall be added— "Any person who appeared before a special sessions as a party to an appeal under the preceding paragraph may, if he is aggrieved by the decision, appeal in accordance with the Quarter Sessions Act 1849 to the next practicable court of quarter sessions for the county of Cornwall; and notice of any such appeal shall be given to each person who appeared before the special sessions as a party to the appeal; and any such person shall, if he so desires, be heard on the appeal to the court of quarter sessions.".
Section 32(5)	After "and Wales" the words "other than the Council of the Isles of Scilly" shall be inserted.
Section 49(10)	For the words following "as loss on collection" there shall be substituted "in any estimate by the district auditor under paragraph (x) of article 2 of the Isles of Scilly (Local Government) Order 1948 of the product of a penny rate for the Isles of Scilly.".
Section 85(2)	After "county district," the words "the Council of the Isles of Scilly," shall be inserted.
Section 91(1)(*b*)	After "county borough" the words ", the Council of the Isles of Scilly" shall be inserted.
Section 99(5)	For the words following "may appeal" there shall be substituted— "to a special sessions of the justices of the peace acting in and for the Isles of Scilly. Any person who appeared before a special sessions as a party to an appeal under the preceding paragraph may, if he is aggrieved by the decision, appeal to the next court of quarter sessions for the county of Cornwall and the appeal shall be heard and finally determined by that court.".
Section 108(1)	The item— "(i) minutes of the proceedings under this Act or the said Act of 1925 of the rating committee of the Council of the Isles of Scilly" shall be added.
Section 113(1)	For items (*a*) and (*b*) there shall be substituted— "(*a*) prescribe anything which by this Act is to be prescribed and the form of any valuation list" The following shall be added— "The Minister may direct that any rate, demand note, statement, return or other document whatsoever which is required or authorised to be used under or for the purposes of this Act shall be in such form as he may direct.".

TABLE (*continued*)

(1)	(2)
Section 116(9)	For the words following "1925," there shall be substituted— "the words in the first paragraph following "the general rate" shall be omitted. In paragraph 5 of Schedule 2 to the Licensing Act 1964, for items (*a*), (*b*) and (*c*) there shall be substituted "to the rating authority"."
Section 117(8)	The words "(or, where the exemption continued is an exemption from a highways rate, the council of the county in which the hereditament is situated)" shall be omitted.
Section 117(10)	Item (*a*) shall be omitted.
Schedule 14, Part II	The following shall be added— "8. The Isles of Scilly Order 1927 (S.R.&O. 1927 No. 59) except in so far as it makes provision in respect of— (*a*) any provision of the Rating and Valuation Act 1925 excepted in the entry in Schedule 14 to this Act in respect of such Act; (*b*) the last paragraph of section 69(2) of the said Act of 1925. 9. The Isles of Scilly Order 1928 (S.R.&O. 1928 No. 592). 10. The Isles of Scilly Order 1929 (S.R.&O. 1929 No. 637) except in so far as it relates to sections 75, 77, 79 and 83 of the Local Government Act 1929. 11. Articles 1(2) and 30(2) of the Isles of Scilly Order 1943 (S.R.&O. 1943 No. 107). 12. In the Isles of Scilly (Local Government) Order 1948 (S.I. 1948 No. 2733)— In article 2— in item (i), the words "13 and 45"; in item (ii), the words "section 11, subsection (2) of section 59" and "Part IV"; items (iii), (iv), (v), (vi) and (xi); Articles 3 and 4.".

6.—(1) The powers and duties of the Council as rating authority under the Act, other than the making of any rate or contract or the raising of any loan, shall be delegated to and performed by a rating committee of the Council, consisting of 10 members of the Council, not being justices of the peace, of whom—

6 shall be members representing, or residing in, the parish of St. Mary's;

4 shall be members representing, or residing in, the parishes of Bryher, St. Agnes, St. Martin's and Tresco respectively.

(2) The Council shall appoint a rating committee as soon as may be after the 1st April in each year, and shall from time to time fill any casual vacancy arising by reason of death, resignation, disqualification or otherwise.

(3) The members of a rating committee shall hold office until their successors are appointed.

7. A justice of the peace shall not be disqualified for taking part in an appeal to special sessions under section 7(1) or 99(5) of the Act as applying to the Isles, or in the determination of any other matter arising out of or connected with the duties of the Council in respect of rates, by reason of his being a councillor or one of several ratepayers or one of any class of persons liable to contribute to, or benefit from, any rate or fund out of which any expenses incurred by the Council are under the Isles of Scilly Order 1943(a) to be defrayed.

Given under the official seal of the Minister of Housing and Local Government on 23rd March 1967.

(L.S.)

J. Crocker,

Under Secretary,
Ministry of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prescribes exceptions, adaptations and modifications of the General Rate Act 1967 in its application to the Isles of Scilly.

(a) S. R. & O. 1943/107 (Rev. XII, p. 558: 1943 I, p. 602).