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STATUTORY INSTRUMENTS

2002 No. 498

RATING AND VALUATION, ENGLAND

The Non-Domestic Rating (Alteration of Lists and Appeals) (Amendment) (England) Regulations 2002

Made - - - - -	*6th March 2002*
Laid before Parliament	*8th March 2002*
Coming into force - -	*1st April 2002*

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred on him by sections 55(2), (4) and (6) and 143(1) and (2) of, and paragraphs 10 to 12 of Schedule 7A to, the Local Government Finance Act 1988(**a**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and extent

1. These Regulations, which extend to England only, may be cited as the Non-Domestic Rating (Alteration of Lists and Appeals) (Amendment) (England) Regulations 2002 and shall come into force on 1st April 2002.

Amendment of the 1993 Regulations

2. The Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993(**b**) shall be amended in accordance with the following provisions of these Regulations.

Circumstances in which proposals may be made

3. In regulation 4A—

(a) in paragraph (1), after sub-paragraph (b) there is inserted—

"(bb) the rateable value shown in the list for a hereditament is inaccurate by reason of an amendment to the classes of plant and machinery set out in the Schedule to the Valuation for Rating (Plant and Machinery) (England) Regulations 2000(**c**) which comes into force on or after the day on which the list was compiled;"; and

(b) in paragraph (4)—

(i) for "either of the grounds set out in sub-paragraph (c) or (e)" there is substituted "any of the grounds set out in sub-paragraph (bb), (c) or (e)"; and

(ii) for "the alteration in question" there is substituted "the alteration or amendment in question".

(**a**) 1988 c. 41. These powers are devolved, in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
(**b**) S.I. 1993/291; the relevant amending instruments are S.I. 1994/1809, 1995/609, 1995/623, 2000/598, and 2001/1271.
(**c**) S.I. 2000/540; relevant amending instrument S.I. 2001/846.

[DTLR 2337]

Periods in which proposals may be made: 2000 and subsequent lists

4. For regulation 4C(2), there is substituted—

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

Time from which alteration is to have effect: general

5.—(1) After regulation 13A(4), there is inserted—

"(4A) An alteration made to show in or, as the case may be, to delete from a list any hereditament which, before the list was compiled, came into existence or ceased to exist as a consequence of—

(a) property previously rated as a single hereditament becoming liable to be rated in parts, or

(b) property previously rated in parts becoming liable to be rated as a single hereditament, or

(c) any part of a hereditament becoming part of a different hereditament,

shall have effect from the day the list was compiled."

(2) In regulation 13A(13)—

(a) for "an alteration made" there is substituted "where an alteration is made";

(b) for "shall have effect" there is substituted "then"; and

(c) for sub-paragraph (a), there is substituted the following—

"(a) where the alteration is made in pursuance of a proposal, it shall have effect as follows—

(i) if the proposal is served on the valuation officer within 6 months of the date of the previous alteration, from the date on which the previous alteration fell to have effect;

(ii) if the proposal is served on the valuation officer after 6 months from that date but on or before 30th June 2002, from the date on which the previous alteration fell to have effect or 1st April 2001 whichever is the later;

(iii) if the proposal is served on the valuation officer after 6 months from that date and after 30th June 2002, from the date on which the previous alteration fell to have effect or the first day of the financial year in which the proposal is served, whichever is the later; or";

(d) in sub-paragraph (b), for "in any other case, from that day" there is substituted "where the alteration is not made in pursuance of a proposal, the alteration shall have effect from the date on which the previous alteration fell to have effect".

(3) After paragraph (13), there is inserted the following paragraph—

"(13A) Subject to paragraph (14), an alteration made to correct an inaccuracy in a list (other than an alteration which falls to take effect as provided in the foregoing provisions of this regulation) shall have effect from the day on which the list became inaccurate.".

Appeals against certification

6. In regulation 30(2), for "six months" there is substituted "a year".

Appeals

7. In paragraph (a) of the definition of appeal in regulation 2(1) and in regulations 2(3)(a), 34(5), 38(1)(b), 40(12), 44(2) and 47(1), after "Regulations 1994" there is inserted "or under regulation 37 of the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 1999(**a**)".

Signed by authority of the Secretary of State for
Transport, Local Government and the Regions

Nick Raynsford
Minister of State for Transport,
Local Government and the Regions

6th March 2002

(**a**) S.I. 1999/3379: to which there are amendments not relevant to this provision.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993 govern the alteration of non-domestic rating lists. They provide for the alteration of lists by the valuation officers, proposals by other persons for alterations and appeals to valuation tribunals where there is a disagreement about a proposal between a valuation officer and the proposer.

These Regulations amend the 1993 Regulations in relation to England—

(a) to include a new ground for making a proposal to alter a list (regulation 3);

(b) to extend the period in which a proposal under regulation 4A(1)(c) (a proposal to alter a rateable value where the value shown in the list is inaccurate by reason of a previous alteration by a valuation officer) may be made (regulation 4);

(c) to amend regulation 13A (which provides for the date on which an alteration, if successful, has effect in the rating list) (regulation 5);

(d) to extend the period in which an appeal against a certification may be made (regulation 6); and

(e) to make other minor amendments (regulation 7).

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