1990 No. 2025

RATING AND VALUATION

The Non-Domestic Rating (Alteration of Lists and Appeals) (Amendment) (No. 3) Regulations 1990

Made - - - -	*15th October 1990*
Laid before Parliament	*16th October 1990*
Coming into force	
For the purposes of regulation 3	*17th October 1990*
For all other purposes	*7th November 1990*

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by section 55(2), (4) and (5) of, and paragraph 12 of Schedule 11 to, the Local Government Finance Act 1988(**a**), and of all other powers enabling them in that behalf, and after consultation with the Council on Tribunals as required by section 10 of the Tribunals and Inquiries Act 1971(**b**), hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Non-Domestic Rating (Alteration of Lists and Appeals) (Amendment) (No. 3) Regulations 1990 and shall come into force for the purposes of regulation 3 on the day after the day on which they are laid before Parliament, and for all other purposes on 7th November 1990.

General

2. The Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1990(**c**) shall be amended in accordance with these Regulations.

Proposals treated as invalid

3. For regulation 11(2A)(**d**) there shall be substituted–

"(2A) No proposal may be made under paragraph (2)(a) where–

(a) the proposal in relation to which the notice under paragraph (1) was served was made after the expiry of any period applicable under regulation 9, or

(b) the notice under paragraph (1) relates to a proposal made under paragraph (2)(a).".

Alterations deemed to have been appealed against

4.—(1) In regulation 16(3), after the words "served on him" there shall be added "and before the appeal is finally decided".

(**a**) 1988 c.41. Paragraph 30 of Schedule 5 to the Local Government and Housing Act 1989 (c.42) makes amendments relevant to section 55.
(**b**) 1971 c.62. Valuation and community charge tribunals are added to Schedule 1 to the 1971 Act by paragraph 41 of Schedule 12 to the 1988 Act.
(**c**) S.I. 1990/582.
(**d**) inserted by S.I. 1990/1822, regulation 6.

(2) At the end of regulation 16 there shall be added–

"(4) Paragraph (3) does not apply where the alteration in question is effected solely for the purpose of correcting a clerical error or for reflecting any matter mentioned in regulation 8(3)(a) to (d), or consists solely of any matter mentioned in regulation 9(10)(a) or (b).

(5) An appeal is finally decided for the purposes of paragraph (3) on the day on which–

(a) the valuation and community charge tribunal has determined the appeal, and the period within which an appeal may be made to the Lands Tribunal under regulation 45 has expired without such an appeal being made, or

(b) the Lands Tribunal has determined the appeal.".

Inspection of tribunal records

5. In regulation 43(3) for the words from the beginning to "such a party" there shall be substituted the words "Any person".

Chris Patten
15th October 1990 Secretary of State for the Environment

David Hunt
11th October 1990 Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1990 ("the principal Regulations").

Regulation 3 establishes that the procedure for serving a fresh proposal for the alteration of a local non-domestic rating list where a valuation officer has challenged the validity of a proposal is not available where the original proposal did not comply with the time limits in regulation 9 of the principal Regulations.

By virtue of regulation 16 of the principal Regulations, an alteration of a local non-domestic rating list in relation to a hereditament which is the subject of an outstanding appeal is deemed to give rise to a further appeal. Regulation 4 of these Regulations specifies the circumstances in which no such further appeal will arise.

Regulation 5, by amending regulation 43 of the principal Regulations, removes the restrictions on the descriptions of persons who may inspect the records of decisions kept by valuation and community charge tribunals.

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