CHAPTER 24.

An Act to amend the law relating to the valuation for rating purposes of hereditaments occupied by railway companies and for purposes connected therewith. [10th July 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Procedure for valuing railway hereditaments in England.

1.—(1) As from the appointed day the provisions of the Rating and Valuation Acts relating to the ascertainment of the values of hereditaments shall, save as expressly provided by this Act, cease to apply in the case of railway hereditaments in England occupied by a railway company to which this Act applies, and the values for rating purposes of all such hereditaments shall be the values thereof as ascertained in accordance with the provisions of this Act.

(2) The railway companies to which this Act applies are the several amalgamated companies constituted under the Railways Act, 1921, and the Metropolitan Railway Company, and any other railway company to which it is applied by a scheme submitted and approved in accordance with the provisions contained in the First Schedule to this Act.

11 & 12 Geo. 5. c. 55.

(3) For the purposes of this Act—

"Railway company" means (except in the First Schedule to this Act) a railway company to which this Act for the time being applies;

"Undertaking" in relation to a railway company includes, in addition to the principal undertaking of the company—

(*a*) any canal, dock or harbour undertaking carried on by the company;

(*b*) any subsidiary or ancillary undertaking carried on by the company, not being a

road-transport, sea-transport or air-transport undertaking; and

(*c*) the share of the company in any joint undertaking carried on by, or on behalf of, two or more railway companies not being a road transport, sea transport or air transport undertaking;

but, save as aforesaid, does not include the share of the company in any joint undertaking;

"Railway hereditament" means, subject as hereinafter provided, any hereditament occupied for the purposes of the undertaking of a railway company:

Provided that no premises occupied as a dwelling-house, hotel or place of public refreshment, or so let out as to be capable of separate assessment, shall be deemed to be, or to form part of, a railway hereditament.

Constitution of Railway Assessment Authority and Anglo-Scottish Railways Assessment Authority.

2.—(1) For the purposes of the valuation of railway hereditaments under this Act there shall be constituted—

(*a*) a Railway Assessment Authority consisting of a chairman and nine other members; and

(*b*) an Anglo-Scottish Railways Assessment Authority (in this Act referred to as "The Joint Authority") consisting of a chairman and two other members.

(2) The chairman of the Railway Assessment Authority shall be an experienced lawyer to be appointed by the Lord Chancellor, and of the other members of the Authority three shall be appointed by the Minister at his discretion and one shall be appointed by him on the recommendation of each of the following bodies, that is to say, the London County Council, the County Councils Association, the Association of Municipal Corporations, the Metropolitan Boroughs Standing Joint Committee, the Urban District Councils Association and the Rural District Councils Association.

(3) The chairman of the Railway Assessment Authority shall be the chairman of the Joint Authority,

and of the other members of the Joint Authority one shall be appointed by the Railway Assessment Authority and the other shall be the Assessor of Railways and Canals for Scotland.

(4) The first members of the Railway Assessment Authority and the first representative of that Authority upon the Joint Authority shall be appointed as soon as may be after the passing of this Act and vacancies occurring thereafter shall be filled from time to time by the making of fresh appointments.

(5) If the chairman or any other member of the Railway Assessment Authority, or of the Joint Authority, is incapacitated by prolonged illness or other unavoidable cause from attending meetings of the Authority, a substitute may be appointed to act in his place whilst the incapacity continues—

(*a*) if the member incapacitated is the Assessor of Railways and Canals, by the Secretary of State; and

(*b*) in any other case, by the person or authority by whom the incapacitated member was appointed.

(6) The Railway Assessment Authority shall pay to the chairman of the Authority and to any substitute appointed to act in his place such remuneration as the Minister may direct.

(7) The Railway Assessment Authority and the Joint Authority respectively may repay to any member of the Authority and to any substitute appointed as aforesaid the amount of any travelling expenses necessarily incurred by him in the discharge of his duties under this Act and may pay to him reasonable allowances in respect of any personal expenses so incurred by him.

(8) The provisions contained in the Second Schedule to this Act shall have effect with respect to the constitution and procedure of the Railway Assessment Authority and the Joint Authority and with respect to the manner in which any expenses incurred by them under this Act are to be defrayed and the manner in which their accounts are to be made up and audited.

(9) The Railway Assessment Authority shall make to the Minister, and the Joint Authority shall make to the Minister and to the Secretary of State, an annual report of their proceedings. Each such report shall include a summary of the accounts of the Authority and shall be laid before each House of Parliament as soon as may be after it is received by the Minister.

Preparation of railway valuation roll.

3.—(1) As soon as may be after the constitution of the Railway Assessment Authority, and thereafter at intervals of five years, that Authority shall prepare a railway valuation roll showing the net annual and rateable values of every railway hereditament in England.

A roll shall be divided into parts and the particulars relating to each railway company shall be entered in a separate part.

(2) The first railway valuation roll shall come into force on the appointed day, and every subsequent railway valuation roll shall come into force at the expiration of five years from the day appointed by this subsection for the preceding roll to come into force, and the period during which any roll is in force is in this Act referred to as a "quinquennial period."

(3) The Railway Assessment Authority in preparing a railway valuation roll shall in accordance with the provisions hereafter in this Act contained—

(i) determine, in the case of a railway company's undertaking which is carried on in England, but not in Scotland, the net annual value of the undertaking as a whole, and in the case of a railway company's undertaking which is carried on in England and in Scotland, the net annual value of the undertaking as a whole, in so far as it is carried on in England; and

(ii) apportion the net annual value so determined among all the railway hereditaments in England occupied by that railway company; and

(iii) calculate the rateable value of every such hereditament by reference to the net annual value so apportioned to it.

Determination of net annual value of railway undertaking carried on in England but not in Scotland.

4.—(1) Where a railway company's undertaking is carried on in England but not in Scotland, the net annual value of the undertaking as a whole shall for the purposes of the preparation of a railway valuation roll be determined in accordance with the following provisions, that is to say—

The Railway Assessment Authority shall—

(*a*) ascertain, in the case of the first railway valuation roll, the average net receipts of the company for the accounting years nineteen hundred and twenty-eight and nineteen hundred and twenty-nine, and, in the case of each subsequent roll, the average net receipts of the company for the first five of the six accounting years next preceding the year in which the roll is to come into force; and

(*b*) estimate by reference to the average net receipts ascertained as aforesaid the rent at which the railway hereditaments occupied by the company might reasonably be expected to let as a whole from year to year, if the tenant undertook to pay all usual tenant's rates and taxes and tithe rentcharge (if any) and to bear the cost of the repairs and insurance and other expenses (if any) necessary to maintain the hereditaments in a state to command that rent;

and the annual rent so estimated shall, for the purposes of this Act, be deemed to be the net annual value of the company's undertaking as a whole.

(2) In estimating for the purposes of this section the rent at which the railway hereditaments occupied by a company might reasonably be expected to let as a whole, the Railway Assessment Authority and any court before which any determination of the Authority is under appeal shall not be bound to give effect to any custom or practice affecting the valuation of railway hereditaments which obtained prior to the passing of this Act in regard to the deduction or allowance to be made in respect of the capital of a tenant, but shall have regard to all relevant circumstances and all material considerations with a view to securing that such estimated rent

shall represent a fair and just division of the net receipts as between landlord and tenant.

(3) For the purposes of this section, the net receipts of a railway company in any year shall be taken to be the amount produced by deducting from the total revenue receipts of the company in that year from its undertaking—

(i) any receipts included in that total which—

(*a*) arise from any interest of the company in any other company or other undertaking (not being a share in a joint undertaking which, for the purposes of this Act, forms part of the company's undertaking); or

(*b*) arise from any hereditament which is not a railway hereditament occupied by the company; or

(*c*) consist of royalties or wayleaves, not being royalties or wayleaves payable to the company in respect of the user of a hereditament which is a railway hereditament occupied by the company; or

(*d*) consist of tolls or dues of such a nature that they could not, under the law in force immediately before the commencement of this Act, have been taken into account in determining the rateable value of any hereditament occupied by the company; or

(*e*) represent general interest or accretion of capital; or

(*f*) arise from any hereditament outside Great Britain or from the working of the undertaking of the company outside Great Britain; and

(ii) the amount properly charged in that year as revenue expenditure in respect of management, working, maintenance and renewals (including maintenance and renewal of plant and rolling stock) and in respect of rates and tithe rent-charge (if any), subject, however, to the

adjustments hereinafter mentioned. that is to say:—

(*a*) the amount to be charged shall include any amount charged against the revenue of the year as a transfer in reduction of any sum previously carried to a suspense account in respect of past expenditure of the like kind properly chargeable to revenue, and also any amount properly set aside out of revenue for the purpose of meeting any future expenditure of the like kind properly chargeable to revenue:

(*b*) from the amount to be charged there shall be excluded such part, if any, of the expenditure of the year as is defrayed out of amounts previously set aside for the purposes aforesaid, or is carried to a suspense account for the purpose of deferring to succeeding years the charging thereof against revenue:

(*c*) the amount to be charged shall be increased by an amount representing interest for one year, calculated at such rate per centum per annum as the Railway Assessment Authority may determine, upon so much of the balance brought forward at the commencement of that year in any suspense account as represents any such past expenditure as aforesaid:

(*d*) the amount to be charged shall be reduced by an amount representing interest for one year, calculated at the same rate, upon the balance remaining unexpended at the commencement of the year of any amounts previously set aside out of revenue for the purposes aforesaid and, in determining the balance unexpended of any such amounts, no expenditure in respect of additions or improvements of a capital nature which was charged in the company's accounts for the year ending the thirty-first day of December, nineteen hundred and twenty-three, or any later year, shall be debited against those amounts:

(*e*) in ascertaining the amount to be charged as aforesaid and in making any such adjustment as is mentioned in the preceding sub-paragraphs, any expenditure properly attributable to the earning of any such receipts as are specified in paragraph (i) of this subsection and any provision made in respect of any such expenditure by means of a suspense account or of a renewals fund or otherwise shall be disregarded.

(4) For the purposes of this section—

(i) receipts and expenditure attributable to a joint undertaking carried on by, or on behalf of, two or more railway companies, shall be apportioned among those companies in such proportions as may be agreed between them or, in default of agreement, as may be determined by the Railway Assessment Authority; and

(ii) where any hereditament is occupied by a railway company partly for the purposes of its undertaking and partly for other purposes, the total revenue receipts of the company shall be increased by such sum as the Authority may determine to represent a fair annual rent for the occupation of that hereditament for those other purposes.

Determination of net annual value of English portion of railway undertaking carried on in England and in Scotland.

5.—(1) Where a railway company's undertaking is carried on in England and in Scotland, all the provisions of the last preceding section shall apply subject only to the following modifications, that is to say—

(i) the Joint Authority, instead of the Railway Assessment Authority, shall, in accordance with the principles laid down in paragraph (*a*) of subsection (1) and in subsections (3) and (4) of that section, and as if any reference in that paragraph or those subsections to the Railway Assessment Authority were a reference to the Joint Authority, ascertain the average net receipts of the company in so far as the total revenue receipts and expenditure by reference

to which average net receipts are required to be ascertained represent—

(*a*) receipts and expenditure in respect of railway working as hereinafter defined; or

(*b*) other receipts and expenditure not attributable solely to hereditaments in England or solely to hereditaments in Scotland,

and shall apportion the total amount of the average net receipts so ascertained by them between England and Scotland upon the basis of a fair and just estimate of the proportions thereof accruing in England and Scotland respectively, and shall certify to the Railway Assessment Authority and to the Assessor of Railways and Canals for Scotland the total amount so ascertained by them and the amounts so apportioned by them to England and Scotland respectively;

(ii) the Railway Assessment Authority shall, in accordance with the principles aforesaid, ascertain the average net receipts of the company in so far as the total revenue receipts and expenditure by reference to which average net receipts are required to be ascertained represent receipts and expenditure attributable solely to hereditaments in England, not being receipts and expenditure in respect of railway working, and the amount so ascertained by them together with the amount certified to them as aforesaid as apportioned to England shall be taken to be the average net receipts of the company so far as they are attributable to the carrying on of the undertaking in England:

Provided that, if in the case of any company the total revenue receipts and expenditure attributable solely to hereditaments in England disclose on the average a deficiency, the amount so certified to the authority as aforesaid reduced by the amount of that deficiency shall be taken to be the average net receipts of the company so far as they are attributable to the carrying on of the undertaking in England;

(iii) the Railway Assessment Authority shall, in accordance with the principles laid down in paragraph (*b*) of subsection (1) and in subsection (2) of the last preceding section, estimate by reference to the average net receipts of the company, so far as they are attributable to the carrying on of the undertaking in England, the rent at which the railway hereditaments in England occupied by the company might reasonably be expected to let as a whole from year to year upon the terms specified in the said paragraph (*b*), and the annual rent so estimated shall for the purposes of this Act be deemed to be the net annual value of the company's undertaking as a whole, in so far as it is carried on in England.

(2) For the purposes of this section, the expression "receipts and expenditure in respect of railway working" means such receipts and expenditure of a railway company as are required by or under any statute to be shown under that heading in the accounts of the company.

Apportionment of net annual value and calculation of rateable value of hereditaments.

6.—(1) The Railway Assessment Authority, having determined in accordance with the foregoing provisions of this Act the net annual value of a railway company's undertaking as a whole, or the net annual value of that undertaking as a whole in so far as it is carried on in England, as the case may be, shall apportion that value among all the railway hereditaments in England occupied by that company, in accordance with an apportionment scheme made by the Authority and confirmed under the provisions hereafter in this Act contained, and the amount so apportioned to any hereditament shall for rating purposes be deemed to be the net annual value of that hereditament.

(2) The Railway Assessment Authority, having determined in accordance with the preceding subsection the net annual value of a railway hereditament, shall calculate therefrom the rateable value of that hereditament in accordance with the provisions of the Rating and Valuation Acts relating to the ascertainment of rateable value by reference to net annual value (including the provisions relating to the adjustment of any value which includes a fraction of a pound), and for the purposes of such calculation any question arising

under the Rating and Valuation (Apportionment) Act, 1928, or section sixty-eight of the Local Government Act, 1929, as to the classification of any hereditament, or as to the purposes for which it is occupied and used, either wholly or in part, or as to the apportionment of the net annual value of the hereditament between occupation and user for one purpose and occupation and user for any other purpose, shall be determined by the Authority. 18 & 19 Geo. 5. c. 44. 19 Geo. 5. c. 17.

(3) A railway hereditament occupied by two or more railway companies shall, for the purposes of this Act, be deemed to be occupied by each of them severally in the proportions in which under any agreement between them the rates payable in respect of the hereditament are to be borne by them, or, in the absence of any such agreement, in such proportions as the Railway Assessment Authority may determine.

Application of Third Schedule.

7. The provisions contained in the Third Schedule to this Act shall apply with respect to the procedure to be followed by the Joint Authority and the Railway Assessment Authority in ascertaining and apportioning the net receipts of a railway company, in determining and apportioning the value of a railway company's undertaking as a whole and in determining the values of railway hereditaments.

Completion of railway valuation roll.

8.—(1) So soon as the Railway Assessment Authority have determined in accordance with the foregoing provisions of this Act the rateable values of the several railway hereditaments in England occupied by any railway company, they shall complete the part of the railway valuation roll which relates to the undertaking of that company.

(2) Every railway valuation roll shall show in the prescribed manner with respect to any company—

(i) in the case of an undertaking which is carried on in England but not in Scotland, the average net receipts of that undertaking;

(ii) in the case of an undertaking which is carried on in England and in Scotland, the average net receipts of the undertaking entered in such manner as to distinguish receipts ascertained by the Joint Authority and apportioned between England and Scotland, and receipts

ascertained by the Railway Assessment Authority;

(iii) the net annual value of the company's undertaking as a whole, or, as the case may be, the net annual value of the undertaking as a whole in so far as it is carried on in England;

(iv) the net annual value and the rateable value of every railway hereditament occupied by the company;

(v) such other matters as may be prescribed.

(3) The Railway Assessment Authority shall, on being required by any railway company, county valuation committee or rating authority so to do, state in writing whether any particular premises have, or have not, been treated by them for the purposes of this Act as forming part of a railway hereditament, and any such statement shall be deemed to form part of the particulars contained in the roll with respect to that hereditament, and, subject to the provisions of this Act relating to appeals against the roll, shall be binding upon all persons concerned.

(4) So soon as the Railway Assessment Authority have completed any part of the railway valuation roll, they shall send to the railway company to which that part relates, and to the county valuation committee of every county, the assessment committee of every assessment area, and the rating authority of every rating area in England, being a county, assessment area or rating area within which the undertaking of that company is carried on—

(*a*) a notice stating that that part of the roll was completed on a specified date and is open to inspection; and

(*b*) such information as to the contents of that part of the roll as may be prescribed to be sent to railway companies, county valuation committees, assessment committees and rating authorities respectively;

and every rating authority shall forthwith give such notice as to the receipt of, and afford such facilities for the inspection of, that information as may be prescribed.

Appeals.

9.—(1) At any time within two months after the Joint Authority have, in accordance with the provisions

contained in the Third Schedule to this Act, certified to the Railway Assessment Authority and the Assessor of Railways and Canals for Scotland the amount determined by them to be the average net receipts of a railway company's undertaking carried on in England and in Scotland, so far as those receipts are to be ascertained by the Joint Authority, and their apportionment of that amount between England and Scotland, appeals against that certificate on the ground that the Joint Authority have determined incorrectly the amount of those receipts or have apportioned the amount thereof unfairly, may be brought to the Railway and Canal Commissioners by the railway company concerned, by the county valuation committee of any county and the council of any county borough, being a county or county borough in England within which the undertaking of the company is carried on, by any Scottish public authority and by the rating authority of any area in Scotland within which the undertaking is carried on.

(2) At any time within two months after the Railway Assessment Authority have completed any part of a railway valuation roll, appeals may be brought to the Railway and Canal Commissioners against that part of the roll by the persons and on the grounds hereinafter mentioned, that is to say :—

(*a*) on the ground that the Railway Assessment Authority have determined incorrectly the average net receipts of a railway company so far as those receipts fall to be determined by that Authority, or the net annual value of the company's undertaking as a whole, or of the undertaking as a whole in so far as it is carried on in England, by the railway company concerned and by the county valuation committee of any county and the council of any county borough, being a county or county borough within which the undertaking of the company is carried on :

(*b*) on the ground that the Railway Assessment Authority have incorrectly treated any premises as being, or as not being, a railway hereditament, or a part of a railway hereditament, or have determined incorrectly the net annual or rateable value of any railway hereditament,

by the railway company concerned and by the county valuation committee of the county and the rating authority of the rating area within which the hereditament is situate and by any person aggrieved:

Upon an appeal under paragraph (*b*) of this subsection, the Commissioners shall not enter upon any inquiry as to the correctness of the amount determined to be the net annual value of the undertaking as a whole, or of the undertaking as a whole in so far as it is carried on in England, and they shall not upon any appeal under this subsection enter upon any enquiry as to the correctness of any amount, or the fairness of any apportionment, certified by the Joint Authority.

(3) The Railway Assessment Authority and the Joint Authority may, if they think fit, appear as respondents to any appeal under this section, and such other persons may appear as respondents to the appeal as may be specified by rules made under section twenty of the Railway and Canal Traffic Act, 1888, as amended and applied by this section.

51 & 52 Vict. c. 25.

(4) The provisions of the Railway and Canal Traffic Act, 1888, as amended by any subsequent enactment, relating to the procedure for the determination of questions under that Act (including the provisions relating to appeals) shall apply to the determination by the Commissioners of appeals under this section subject to the following modifications—

(*a*) the ex-officio Commissioners for England and Scotland and one only of the appointed Commissioners shall attend at the hearing of an appeal under subsection (1) of this section and, in relation to any such appeal, subsection (3) of section five of the Act, and in subsection (1) of section four of the Act the words from "and an" to the end of the subsection, shall not apply;

(*b*) the superior court of appeal to which appeals from the Commissioners are to lie shall be the House of Lords, and the Appellate Jurisdiction Act, 1876, shall apply as if the Commissioners when sitting to hear an appeal under this section were included amongst the courts mentioned in section three of that Act;

39 & 40 Vict. c. 59.

(*c*) special rules may be made under section twenty of the Act with respect to the procedure and practice under this section, and those rules shall require the approval of the Lord President of the Court of Session as well as of the Lord Chancellor and the Secretary of State; and

(*d*) the discretion of the Commissioners with regard to costs shall not be limited in the manner provided by section two of the Railway and Canal Traffic Act, 1894. 57 & 58 Vict. c. 54.

(5) If on the hearing of any appeal under this section the Commissioners are of opinion that any contention of the appellant is well founded, they shall give effect to their opinion in the following manner—

(i) in the case of an appeal under subsection (1) they shall amend the certificate given by the Joint Authority in such manner as they think fit, and

(ii) in the case of an appeal under subsection (2)—

(*a*) if, by reason of the relevant part of the railway valuation roll not having been revised in accordance with the next succeeding section, they are unable to specify any value to be entered therein, they shall give to the Railway Assessment Authority such directions to be followed by them in revising that part as will ensure that as so revised it will give effect to the opinion of the Commissioners; and

(*b*) if the relevant part of the railway valuation roll has at the date of their decision been so revised, they shall direct the Railway Assessment Authority to make in that part as so revised such alterations with respect to the hereditament to which the appeal relates as the Commissioners think fit.

Revision of railway valuation roll.

10.—(1) No alteration shall be made in any part of the railway valuation roll until six months have elapsed from the completion of that part, or so long as there is pending any appeal the determination of which may necessitate the alteration of the amount stated in that part as the net annual value of the undertaking of the railway company as a whole, or, as the case may be, of the undertaking as a whole in so far as

it is carried on in England; but on the expiration of the said period of six months, or, as the case may be, so soon thereafter as every such appeal as aforesaid has been finally determined, the Railway Assessment Authority shall revise that part of the roll, by making such alterations therein as are necessary to give effect to, or are consequential on, any decision on appeal (whether or not such an appeal as is mentioned in this subsection) given up to that time and any decision of the Authority given up to that time upon a representation made to them under the next succeeding section:

Provided that, if no such alteration is necessary, the Authority shall confirm that part of the roll, and for the purposes of this Act such a confirmation shall be deemed to be a revision.

For the purposes of this subsection, an appeal shall be deemed to be still pending, and not to have been finally determined, until it is withdrawn, or until the Commissioners have given their decision thereon and either the time has elapsed for appealing against that decision, or any appeal against that decision has been withdrawn or decided.

(2) Except in accordance with the provisions of the next succeeding section, no alteration shall be made in any part of the railway valuation roll after it has been revised by the Railway Assessment Authority under the last preceding subsection other than such alterations with respect to any particular hereditament as may be necessitated by the decision of any appeal with respect to that hereditament which was outstanding at the date of the revision.

Alterations of railway valuation roll during quinquennial period.

11.—(1) If at any time during a quinquennial period it is represented to the Railway Assessment Authority by the railway company concerned or by the rating authority of the rating area or the county valuation committee of the county within which the hereditament is situate, or by any person aggrieved, that—

(*a*) a hereditament entered in any part of the railway valuation roll as a railway hereditament occupied by the company ought to cease to be so entered by reason of some change which has, since the date on which the draft of that

part was settled, occurred in the occupation, or in the character of the occupation, of that hereditament; or

(*b*) a hereditament not entered in the roll as a railway hereditament occupied by the company ought to be so entered by reason of some change which has, since the date on which the draft of the relevant part of the roll was settled, occurred in the occupation, or the character of the occupation, of that hereditament; or

(*c*) any premises which have been treated by the Authority as forming part of a railway hereditament occupied by the company, or as not forming part of any railway hereditament so occupied, ought to be treated differently by reason of some change which has, since the date on which the draft of the relevant part of the roll was settled, occurred in the occupation, or the character of the occupation, of those premises; or

(*d*) the value of a hereditament entered in any part of the roll as a railway hereditament occupied by the company has, since the date on which the draft of that part was settled, been affected by the making of structural alterations, or by the total or partial destruction of any building or other erection by fire or other physical cause; or

(*e*) the value of a hereditament entered in any part of the roll as a railway hereditament occupied by the company is incorrect by reason of some clerical or arithmetical error;

the Authority shall—

(i) if they have not already revised the relevant part of the roll, make in the course of their revision thereof such alteration, if any, as they think fit; or

(ii) if they have already revised that part, make in that part as revised such alteration, if any, with respect to the hereditament to which the representation relates, as they think fit:

Provided that no representation shall be made under this subsection with respect to any matter as to

which a representation was made to the Authority under the Third Schedule to this Act.

(2) In any case where a representation is made under this section with respect to any hereditament, the Railway Assessment Authority shall give notice of their determination to the railway company concerned, to the county valuation committee of the county and the rating authority of the rating area within which the hereditament is situate, and to any person who appeared before the Authority as a party on the consideration of the representation.

(3) If, in any case where a representation is made under this section with respect to any hereditament, the railway company concerned, or the county valuation committee of the county, or the rating authority of the rating area, within which the hereditament is situate, or any person aggrieved, is dissatisfied with the determination of the Railway Assessment Authority, they may within such time as may be prescribed by rules made under subsection (4) of section nine of this Act appeal to the Railway and Canal Commissioners and the Commissioners may make any order which the Authority might have made.

(4) The provisions of subsections (3), (4) and (5) of the said section nine shall apply in relation to appeals under this section as they apply in relation to appeals under subsection (2) of that section.

(5) If at any time during a quinquennial period it appears to the railway assessment authority that by reason of alterations made in any part of the railway valuation roll since that part of the roll was revised by them (including any alteration made by them to give effect to the decision upon any appeal which was outstanding at the date of the revision) the total of the net annual values appearing in that part in respect of the railway hereditaments occupied by the railway company (in this subsection referred to as the "existing total") differs from the total of the net annual values appearing in that part immediately after it was revised as aforesaid (in this subsection referred to as the "original total") by more than one per cent. of the original total, or by more than five thousand pounds,

whichever may be the greater, the Railway Assessment Authority shall—

(*a*) in a case where the existing total is greater than the original total, reduce the net annual value of each railway hereditament occupied by the company by the amount which bears to the difference between the existing total and the original total the same proportion as the net annual value of the hereditament bears to the existing total;

(*b*) in a case where the existing total is less than the original total, increase the net annual value of each railway hereditament occupied by the company by the amount which bears to the difference between the existing total and the original total the same proportion as the net annual value of the hereditament bears to the existing total;

(*c*) make such alteration in the rateable value of each hereditament as may be necessary to give effect to the provisions of subsection (2) of section six of this Act with respect to the calculation of rateable value by reference to net annual value.

Valuation lists to conform to railway valuation roll.

12.—(1) So soon as an assessment committee have received from the Railway Assessment Authority notice that any part of a railway valuation roll has been completed and information as to the contents of that part, they shall cause the values entered in that part of the roll, and such of the other particulars entered therein as may be prescribed, to be entered in the valuation list in substitution for values or particulars appearing in that list.

(2) Where the Railway Assessment Authority have made any alteration in any part of a railway valuation roll, either in revising that part or at a date subsequent to the revision thereof, they shall send particulars of the alteration and of the grounds upon which it was made to the railway company concerned and to every assessment committee and rating authority in England within whose assessment area or rating area there is any hereditament affected by the alteration.

(3) Every assessment committee which receives any such information as is mentioned in the last preceding subsection shall cause to be made such amendments of any valuation list (including any valuation list which has ceased to be in force since the date as from which under the provisions of the next subsection the amendments are to have effect) as are necessary to secure that the hereditaments, values and particulars which appear in the roll, appear also in the list, and shall also cause to be made any necessary consequential amendments.

(4) For the purposes of the liability of a railway company to rates, an amendment made under this section shall in relation to any rate have effect—

(i) in the case of an amendment occasioned by the completion or the revision of the relevant part of the roll, or the decision of any appeal which was outstanding at the date of the revision of that part, as from the commencement of the quinquennial period;

(ii) in the case of an amendment occasioned by an alteration made in any part of the roll after the revision thereof upon a representation under paragraph (*a*), (*b*), (*c*) or (*d*) of subsection (1) of the last preceding section, as from the happening of the event which gave rise to the representation, or as from the first day of the period in respect of which the general rate current at the date of the service of the representation upon the Authority was made, whichever may be the later;

(iii) in the case of an amendment occasioned by an alteration made in any part of the roll after the revision thereof upon a representation under paragraph (*e*) of the said subsection (1), as from the first day of the period in respect of which the general rate current at the date of the service of the representation upon the Authority was made;

(iv) in the case of an amendment occasioned by an alteration made in the roll under subsection (5) of the last preceding section, as from the first day of the period in respect of which the next general rate is made.

(5) Where the effect of any information given under subsection (2) of this section is that any premises previously treated by the Authority as being a railway hereditament, or part of a railway hereditament, have ceased to be so treated, such amendments may be made of any valuation list (including any valuation list which has ceased to be in force since the date as from which under the provisions of this subsection the amendments are to have effect) by way of proposal or, in London, by way of provisional or supplemental list, as are necessary to secure that those premises and correct values and particulars in respect thereof appear in the appropriate part of the valuation list.

For the purposes of the liability of any person to rates, an amendment made under this subsection shall in relation to any rate have effect, in a case where the variation in the treatment of the premises is due to a change occurring during the quinquennial period in the occupation, or the character of the occupation, of the premises, as from the date of that change, and, in any other case, as from the commencement of the quinquennial period.

(6) Where under this section there is made any amendment of a valuation list which affects the amount of any rate levied in respect of any hereditament in accordance with the list, the difference, if too much has been paid, shall be repaid or allowed to the ratepayer, or if too little has been paid, shall be paid by and may be recovered from him as if it were arrears of the rate.

(7) Where under this section there is made any amendment of a valuation list, the assessment committee shall make any necessary amendment in the totals of values shown in that list.

(8) In the case of a rating area in London, any amendment made under this section in a total of values shall, notwithstanding anything contained in the Valuation (Metropolis) Act, 1869, have effect— 32 & 33 Vict. c. 67.

(i) if the date as from which the amendment has effect under subsection (4) of this section is the sixth day of April in any year, as from the said date; and

(ii) in any other case, as from the sixth day of April next following the said date;

and where any such amendment in a total of values affects the amount of any sum already assessed on, or any contribution already required from, that area by the London County Council or by the Commissioner of Police of the Metropolis, the difference shall be paid or, as the case may be, repaid or allowed.

(9) Subject to the provisions of this section with respect to the adjustment of payments, every rate in respect of which the valuation list is conclusive, shall, in the case of any hereditament shown in the railway valuation roll as a railway hereditament, be made and levied in accordance with the valuation list in force for the time being, and may be collected and shall be recoverable notwithstanding any appeal or representation which may be pending under this Act, and no appeal against a rate shall lie to quarter sessions in respect of any matter in respect of which relief might have been or might be obtained under the provisions of this Act by means of a representation to the Railway Assessment Authority or to the Joint Authority, or by means of an appeal to the Commissioners.

(10) In this section the expression "valuation list" includes a draft valuation list or new valuation list, whether finally approved or not, which has not yet come into force.

Preparation and approval of apportionment scheme.

13.—(1) The Railway Assessment Authority shall, as soon as may be after the passing of this Act, prepare a scheme (in this Act referred to as an "apportionment scheme") for determining—

(*a*) the principles in accordance with which in the case of every railway company the net annual value of the company's undertaking as a whole, or the net annual value of the company's undertaking as a whole in so far as it is carried on in England, as the case may be, is to be apportioned by the Authority between the railway hereditaments in England occupied by the company; and

(*b*) the basis on which the expenses of the Authority are to be apportioned among the councils of the several counties and county boroughs in England.

(2) The principles laid down in any scheme made under this section shall be such as to secure that the Authority in apportioning the net annual value of a railway company's undertaking as a whole, or the net annual value of such an undertaking as a whole in so far as it is carried on in England, shall—

(i) in the case of hereditaments consisting of land used only as a railway made under the powers of any Act of Parliament for public conveyance, have regard, amongst other material considerations, to an estimate of the traffic conveyed over the hereditament; and

(ii) in the case of other hereditaments, have regard, amongst other material considerations, to the value for the purposes of the undertaking of a railway company of the land and structures comprised in the hereditament;

and the scheme may contain such incidental and consequential provisions as appear to the Authority to be necessary or desirable.

(3) The Railway Assessment Authority shall, as soon as they have prepared a scheme in accordance with the provisions of this section, give public notice thereof in the prescribed form and manner, and after hearing and considering any representations which may be made to them by any railway company, any county valuation committee, or the council of any county borough, or any other rating authority whose interests are in the opinion of the Railway Assessment Authority specially affected, within such period, not being less than two months, as may be specified in the notice, shall make in the scheme such modifications, if any, as they consider necessary and submit the scheme to the Minister.

(4) The Minister may, subject to the provisions of this subsection, make an order confirming with or without modifications the scheme so submitted to him:

Provided that, before the order confirming the scheme is made by the Minister, the scheme as proposed to be confirmed by the order shall be laid in draft before both Houses of Parliament, and if either House within the next subsequent twenty-eight days on which that House has sat next after the draft is laid before it resolves that an address be presented to His Majesty

against the draft scheme, or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making and confirmation of a new scheme.

(5) A scheme made and confirmed under this section may be varied or revoked by another scheme made and confirmed in like manner and subject to the like conditions.

Assistance and information to be given to Railway Assessment Authority.

14.—(1) Every rating authority and every assessment committee shall give to the Railway Assessment Authority any assistance which the Authority may reasonably require for the purposes of the due discharge of their functions under this Act and which it is in the power of the rating authority or assessment committee to give.

(2) For the purposes of the due discharge of their functions under this Act, the Railway Assessment Authority and the Joint Authority, respectively, may require the attendance before them of any persons as witnesses, and may examine those witnesses on oath, and may from time to time require a railway company to furnish to them such statements of account, returns and particulars as are reasonably necessary for the purposes aforesaid, and may require the production of any books, accounts or documents in the possession of the company relating in any manner to matters as to which they require to be informed for those purposes.

(3) If any railway company, or the manager, secretary, or chairman of the board of directors of any railway company, fails within a reasonable time to furnish any statements, returns or particulars or to produce any books, accounts or documents when required so to do by either Authority in pursuance of the provisions of this section, the company shall not be entitled, so long as the failure continues, to make or maintain any representation with respect to, or to appeal against, any valuation of the undertaking of the company or of any railway hereditament occupied by the company.

(4) If a railway company is aggrieved by any requirement made by either Authority under this section, the company may, at any time within twenty-eight days after the date on which the requirement is made, appeal against it to the Railway and Canal

Commissioners and pending the determination of the appeal shall be under no obligation to comply with that requirement.

The Commissioners on any such appeal shall make such order in the matter as seems to them proper, and no appeal shall lie from their decision on any such appeal.

The Commissioners may make rules under section twenty of the Railway and Canal Traffic Act, 1888, with respect to the procedure on appeals under this subsection.

Combination of authorities for purposes of appeals, &c.

15. It shall be lawful for county valuation committees and rating authorities, in any case where it appears to them that it is to their interest that a representation or appeal under this Act should be made, prosecuted or resisted, to enter into an agreement for sharing the expense of making, prosecuting or resisting the representation or appeal, as the case may be, and with respect to the conduct of the proceedings by one of the parties to the agreement in the interests of all of those parties.

Inspection of railway valuation roll.

16. The draft of any part of a railway valuation roll shall during the two months next following the settlement of that draft, and any completed part of a railway valuation roll shall during the two months next following the completion of that part, be open at all reasonable hours to inspection by any person interested at the offices of the Railway Assessment Authority without the payment of any fee.

Railway valuation roll not to be rendered invalid by delay in completion.

17. Any failure on the part of the Railway Assessment Authority to complete the whole or any part of a railway valuation roll before the date upon which under the provisions of this Act the roll is to come into operation, shall not of itself render the roll or any part thereof invalid, and each part of the roll as and when completed shall for all purposes take effect as from the said date.

Minor modifications of the Rating and Valuation Acts.

18.—(1) As from the appointed day, a rating authority, in preparing a draft valuation list or a new valuation list under the Rating and Valuation Acts, shall enter therein in respect of any hereditament for the time being shown in the railway valuation roll as a

railway hereditament the values and other particulars appearing in respect of that hereditament in the valuation list for the time being in force, and, while that hereditament remains in the roll, no amendment shall be made in the values or other particulars so entered except in pursuance of a notice sent to the assessment committee by the Railway Assessment Authority under the provisions of this Act relating to the notification to assessment committees of values and of alterations of values of railway hereditaments.

32 & 33 Vict. c. 67. 15 & 16 Geo. 5. c. 90.

(2) Section forty-three of the Valuation (Metropolis) Act, 1869, and subsection (2) of section nineteen of the Rating and Valuation Act, 1925 (which relate to the duration of valuation lists) shall have effect subject to the provisions of this Act.

(3) The provisions of the Rating and Valuation Acts with respect to objections to valuation lists and draft valuation lists and to appeals against decisions upon such objections, with respect to the revision or amendment of current valuation lists by means of proposals, supplemental lists or provisional lists and with respect to the making of returns by owners and occupiers shall not apply in the case of a hereditament for the time being shown in the railway valuation roll as a railway hereditament.

(4) The provisions of the Rating and Valuation Acts with respect to the powers of persons employed by a rating authority to enter on, survey and inspect hereditaments shall apply also to persons appointed or employed by the Railway Assessment Authority.

Railway Assessment Authority to apportion value of railway hereditaments if required for certain purposes.

19. Where by any enactment or by any scheme or order made under any enactment an assessment committee or rating authority are required or authorised to make any necessary apportionments of the values of hereditaments, the Railway Assessment Authority shall upon the request of the assessment committee or rating authority, as the case may be, make on their behalf the necessary apportionment of the net annual and rateable values of any railway hereditament, and an apportionment so made shall, for the purposes of the said enactment, have the same effect as if it had been made by the assessment committee or, as the case may be, by the rating authority.

Modification of provisions of 8 & 9 Vict. c. 18. s. 133.

20. Section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (which provides that until the completion of works promoters shall make good any deficiency of land tax and poor rate caused by lands being taken) shall not, in so far as it relates to any rate, apply to any hereditament for the time being shown in the railway valuation roll as a railway hereditament, but, save as aforesaid, nothing in this Act shall affect the operation of that section as amended by any subsequent enactment.

Temporary and transitory provisions.

21. The provisions contained in Part 1 of the Fourth Schedule to this Act shall have effect with respect to the period of twelve months commencing on the first day of April, nineteen hundred and thirty, and if the Railway Assessment Authority are unable to complete before the first day of April, nineteen hundred and thirty-one, any part of the first railway valuation roll, the provisions contained in Part II of the said Schedule shall have effect in relation to the railway company to which that part of the roll relates and its undertaking.

Provisions as to value of Scottish portions of railway undertaking carried on in England and in Scotland.

22.—(1) The Assessor of Railways and Canals (hereafter in this section referred to as "the Assessor") shall, as soon as the Joint Authority certifies to him the amount apportioned to Scotland of the average net receipts ascertained by that Authority of any railway company whose undertaking is carried on in England and in Scotland, proceed to fix in accordance with the following provisions the cumulo yearly rent or value of the lands and heritages in Scotland belonging to or leased by such railway company and forming part of its undertaking:—

(i) The Assessor shall add to the amount of such average net receipts apportioned to Scotland—

(*a*) one half of any sum included in respect of the maintenance or repair of the permanent way in Scotland in the amount directed to be deducted by paragraph (ii) of subsection (3) of section four as applied by section five of this Act.

(*b*) any sum so included in respect of owner's rates in Scotland; and

(*c*) a sum bearing to the amount so included in respect of the expenses of general management and of repairs to stations and buildings the same proportion as the amount of the average net receipts apportioned to Scotland bears to the total of the average net receipts, less such part of that sum as might have been deducted in respect of such expenses in accordance with the law and practice of Scotland existing immediately prior to the passing of this Act.

(ii) The Assessor shall in accordance with the principles laid down in paragraph (*a*) of subsection (1) and subsections (3) and (4) of section four of this Act, subject to such modifications as may be necessary in order to ensure that the amount arrived at shall include the like additions as are directed to be made by the immediately preceding paragraph, ascertain the average net receipts of the company in so far as the total revenue receipts and expenditure by reference to which average net receipts are required to be ascertained represent receipts and expenditure attributable solely to lands and heritages in Scotland which the Assessor is required to value not being receipts and expenditure in respect of railway working, and the Assessor shall add the average net receipts so ascertained to the amount arrived at in pursuance of the immediately preceding paragraph, or if the total revenue receipts and expenditure attributable solely to such lands and heritages in Scotland disclose on the average a deficiency, the Assessor shall deduct the amount thereof from the amount arrived at in pursuance of the immediately preceding paragraph, and the sum arrived at by such addition or deduction shall be taken to be the average net receipts of the company so far as they are attributable to the carrying on of the undertaking in Scotland.

(iii) The Assessor shall estimate by reference to such average net receipts the rent at which, one year with another, the undertaking of the company so far as carried on in Scotland might be reasonably expected to let from year to year, and

for the purpose of arriving at such estimate the Assessor, and the Lands Valuation Appeal Court on any appeal under the provisions hereinafter contained, shall not be bound to give effect to any custom or practice affecting the valuation of railways which obtained prior to the passing of this Act in regard to tenants' allowances, but shall have regard to all relevant circumstances and all material considerations with a view to securing that such estimated rent shall represent a fair and just division as between landlord and tenant of the average net receipts of the company so far as they are attributable to the carrying on of the undertaking in Scotland ; and

(iv) the rent so estimated shall be the cumulo yearly rent or value within the meaning of the Lands Valuation (Scotland) Acts of the lands and heritages in Scotland belonging to or leased by the company and forming part of its undertaking.

(2) Save as provided in the immediately succeeding subsection, the cumulo yearly rent or value of a railway company's undertaking so far as carried on in Scotland fixed in accordance with the foregoing provisions of this section shall be the cumulo yearly rent or value for a period of five years from the term of Whit Sunday next ensuing after such rent or value is so fixed (which period is hereinafter referred to as a "quinquennial period") and shall be entered in the valuation roll for each of such five years.

(3) If at any time during the first four years of a quinquennial period the railway company becomes the owner or occupier of any additional lands and heritages forming part of its undertaking in Scotland, or ceases to own or occupy any lands and heritages forming part of its undertaking in Scotland, or where owing to alterations or reconstructions the value of any lands and heritages forming part of its undertaking in Scotland has increased or decreased, the Assessor shall in the valuation roll for the next ensuing year make such alteration, if any, with respect to such lands and heritages as he shall deem necessary, by omitting or entering such lands and heritages, or by altering the gross or net annual or

rateable value thereof; and where the Assessor makes any such alteration, the cumulo yearly rent or value of the company's undertaking so far as carried on in Scotland shall be altered accordingly.

17 & 18 Vict. c. 91.

(4) Sections twenty-four and twenty-five of the Lands Valuation (Scotland) Act, 1854, as amended by any subsequent enactment shall have effect as if for the right of appeal, or the right to object and represent to the Lord Ordinary or the Sheriff thereby respectively conferred on the railway, canal, or other company and on the county or burgh, there were substituted a right of appeal to the Lands Valuation Appeal Court, and any reference in the said sections to the Lord Ordinary or Sheriff shall accordingly be construed as a reference to such Court, and the Court of Session shall have power by Act of Sederunt to regulate the procedure in such appeals:

Provided that it shall not be competent in any such appeal to enter upon any inquiry as to the correctness of any amount, or the fairness of any apportionment, certified by the Joint Authority.

57 & 58 Vict. c. 36.

(5) The Valuation of Lands (Scotland) Acts Amendment Act, 1894, shall have effect as if for any reference in section two or section three to the fifteenth day of March, and for any reference in section three to the eighth or the tenth day of April, or to the fifteenth day of May, there were substituted a reference to such day as the Secretary of State may prescribe.

(6) Where a decision on any appeal under the provisions of this Act against a certificate of the Joint Authority or against any entry in a valuation roll made up by the Assessor shall have been given after the authentication by the Assessor of a valuation roll based on such certificate or containing such entry as the case may be, the Assessor shall make and authenticate such alteration in the valuation roll as may be necessary to give effect to such decision, and where any rate has been levied in respect of lands and heritages belonging to a railway company and forming part of its undertaking prior to such alteration, the difference between the amount so levied and the amount which would have been levied had the alteration been made prior to the levying of the rate shall be recoverable from the railway

company by the rating authority or from the rating authority by the railway company as the case may be.

(7) Section one hundred and twenty-seven of the Lands Clauses Consolidation (Scotland) Act, 1845 (which provides that until completion of works, promoters shall make good any deficiency of land tax, poor's rate and prison assessment caused by lands being taken) shall not, in so far as it relates to any rate or assessment, apply to any lands and heritages belonging to any railway company and included in the valuation roll made up by the Assessor, but save as aforesaid nothing in this section shall affect the operation of that section as amended by any subsequent enactment. 8 & 9 Vict. c. 19.

(8) The amount of the expenses of the Joint Authority apportioned to Scotland shall be payable by the railway companies whose undertakings are carried on in England and in Scotland in shares proportionate to the respective amounts of the average net receipts of such companies apportioned to Scotland, and any sum so payable by any such railway company shall be paid by that company to the Joint Authority within one month after a demand therefor has been made by the Joint Authority on the company.

(9) For the purposes of this section, premises occupied as a dwelling-house, hotel or place of public refreshment, or so let out as to be capable of separate assessment, shall be deemed not to form part of a railway company's undertaking; and the following expressions shall have the meanings hereby assigned to them respectively, that is to say:—

"Lands Valuation (Scotland) Acts" means the Lands Valuation (Scotland) Act, 1854, and any Acts amending that Act;

"Lands Valuation Appeal Court" means the three judges of the Court of Session nominated under section eight of the Valuation of Lands (Scotland) Amendment Act, 1867, and section seven of the Valuation of Lands (Scotland) Amendment Act, 1879, as amended by section seven of the Local Government (Scotland) Act, 1908; 30 & 31 Vict. c. 80. 42 & 43 Vict. c. 80. 8 Edw. 7. c. 62.

"Receipts and expenditure in respect of railway working" has the like meaning as in subsection (2) of section five of this Act;

and other expressions have the like meanings as in the Lands Valuation (Scotland) Acts.

Interpretation.

23.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"The Rating and Valuation Acts" means, in relation to places outside London, the Rating and Valuation Acts, 1925 to 1929, and in relation to London, the Rating and Valuation (Metropolis) Acts, 1869 to 1929;

"The appointed day" means, in relation to places outside London, the first day and, in relation to London, the sixth day, of April, nineteen hundred and thirty-one;

"The Minister" means the Minister of Health;

"Accounting year" means a period of twelve months commencing on the first day of January in any year;

"Scottish public authority" means any body which obtains from the Secretary of State a certificate that it is a body representative of Scottish rating authorities;

"Prescribed" means prescribed by rules made under the Rating and Valuation Acts.

(2) Any reference in this Act to a county valuation committee shall in relation to London be construed as a reference to the London County Council.

(3) For the purpose of this Act, services performed by a railway company—

(i) in connection with the collection and delivery of parcels, goods or merchandise conveyed or to be conveyed by rail; or

(ii) in connection with the transportation of passengers, parcels, goods or merchandise in ferry boats, or boats plying on rivers, canals or lakes, or with the embarkation or disembarkation of passengers, parcels, goods or merchandise in or from any boats or vessels,

shall be deemed to be performed by the company in carrying on their undertaking and not in carrying on a road transport or sea transport undertaking, and the

receipts and expenditure attributable to the performance of such services shall be deemed to be receipts and expenses of the undertaking of the company.

Short title and extent.

24.—(1) This Act may be cited as the Railways (Valuation for Rating) Act, 1930, and shall be construed as one with the Rating and Valuation Acts, and those Acts and this Act may be cited together as the Rating and Valuation Acts, 1925 to 1930, or as the Rating and Valuation (Metropolis) Acts, 1869 to 1930, as the case may be.

(2) This Act shall not extend to Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

PROVISIONS WITH RESPECT TO THE SUBMISSION AND APPROVAL OF SCHEMES FOR APPLYING THE ACT TO A RAILWAY COMPANY TO WHICH IT DOES NOT APPLY.

1. A scheme for applying all or any of the provisions of this Act, either with or without adaptations and modifications, to a railway company to which this Act does not for the time being apply, being a company whose principal business is the working of a railway or of a light railway as defined in subsection (3) of section five of the Rating and Valuation (Apportionment) Act, 1928, may be submitted to the Minister by the railway company concerned or by the Railway Assessment Authority.

2. The railway company or the Authority, as the case may be, shall within one month after submitting the scheme forward copies thereof to the Central Valuation Committee and to such other persons as the Minister may direct, together with a notice specifying the date on which the scheme was submitted to the Minister and stating that the Minister will consider any representation with respect to the scheme which may be received by him within four months from the said date.

3. The Minister, after considering any representation received by him within the period of four months above-mentioned,

1ST SCH. —*cont.*

may make an order either rejecting the scheme or approving it with or without modifications.

4. An order approving a scheme under this Schedule shall be laid before both Houses of Parliament forthwith and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such order is laid before it praying that the order may be annulled, it shall thenceforth be void, but without prejudice to the making of a new order.

Section 2.

SECOND SCHEDULE.

PART I.

PROVISIONS WITH RESPECT TO THE CONSTITUTION AND PROCEDURE OF THE RAILWAY ASSESSMENT AUTHORITY AND THE JOINT AUTHORITY.

(a) *Railway Assessment Authority.*

1. The term of office of the chairman of the Railway Assessment Authority (in this Part of this Schedule referred to as "the Authority") shall be five years and the term of office of any other member of the Authority shall be such as the Minister may determine, but any member of the Authority may at any time resign his office.

2. Any member of the Authority shall be eligible for reappointment at the expiration of his term of office.

3. The Authority shall have an official seal which shall be judicially noticed.

4. The proceedings of the Authority shall not be invalidated by any vacancy among its members or any defect in the appointment of any member; and, until the contrary is proved, the Authority shall be deemed to have been duly constituted and to have had power to deal with any matters dealt with by it.

5. At all meetings of the Authority the chairman, or other member acting as chairman, shall, in the case of an equal division of votes, have a second or casting vote.

6. Subject to the provisions of the last preceding paragraph, the Authority may make rules with respect to the procedure at their meetings and with respect to the number of members necessary to constitute a quorum.

2ND SCH. —*cont.*

7. Rules made under the last preceding paragraph may authorise the Authority to sit in two or more divisions for the purpose of dealing with any matters which are to be dealt with by the Authority other than the determination of the net annual value of an undertaking as a whole, or the net annual value of an undertaking as a whole in so far as it is carried on in England; and, where the Authority so sits, the provisions of paragraph 5 of this Part of this Schedule shall apply to the meetings of each division.

8. The Authority may appoint a clerk and may appoint or employ valuers and such other persons as they may consider necessary for the purpose of the due discharge of their functions, and may provide such offices as they may consider necessary for that purpose; and they shall pay to any clerk, valuer or person so appointed or employed such remuneration (including in the case of a permanent officer such superannuation allowance or gratuity on retirement) as they may determine.

(b) *Joint Authority.*

9. The term of office of the representative of the Authority upon the Joint Authority shall be such as the Minister may determine, but he shall be eligible for re-appointment at the expiration of his term of office, and he may at any time resign his office.

10. Paragraphs 3, 4, 5, 6 and 8 of this Part of this Schedule shall apply to the Joint Authority as they apply to the Authority.

PART II.

PROVISIONS WITH RESPECT TO THE EXPENSES, ACCOUNTS AND AUDIT OF THE RAILWAY ASSESSMENT AUTHORITY AND OF THE JOINT AUTHORITY.

1. The expenses of the Joint Authority shall be apportioned by that Authority between England and Scotland in the same proportions as those in which the aggregate of the net receipts of the companies whose undertakings are carried on in England and in Scotland, as ascertained by that Authority, stands apportioned between those countries at the close of the period of account in which the expenses are chargeable, and the amount so apportioned to England shall be paid to the Joint Authority by the Railway Assessment Authority.

2. The expenses of the Railway Assessment Authority, including any sum paid to the Joint Authority in accordance with the preceding paragraph, shall be apportioned by the Railway Assessment Authority in the manner hereinafter provided among the councils of the several counties and county

2ND SCH.—*cont.*

boroughs in England, and the Authority may issue precepts to those councils requiring payment of any amount apportioned upon them under this paragraph, and a council shall pay in accordance with any precept so issued to it the amount thereby demanded out of the rate or fund applicable to the payment of its general expenses.

3. For the purposes of the preceding paragraph, the expenses of the Railway Assessment Authority shall be apportioned upon the basis determined by the apportionment scheme made and confirmed in accordance with the provisions of this Act:

Provided that, if the authority deem it necessary to issue precepts in respect of any expenses before they are in a position to ascertain the values upon the basis of which those expenses would under this paragraph be apportionable, those expenses shall be apportioned by them on the basis of the net annual values (as shewn in the valuation lists in force at the commencement of the financial year in which the precepts are issued) of freight transport hereditaments occupied by any railway company within the several counties and county boroughs.

4. The Railway Assessment Authority and the Joint Authority respectively may at any time borrow any sum which they temporarily require for the purpose of defraying any expenses pending the receipt of revenues receivable by them in respect of the period of account in which the expenses are chargeable and may pay interest at a reasonable rate on any sum so borrowed.

5. The accounts of the receipts and expenditure under this Act of the Railway Assessment Authority and of the Joint Authority respectively and of the officers of those Authorities shall be made up to such date in each year, and shall be audited by such persons and in such manner, as the Minister may from time to time direct.

Section 7.

THIRD SCHEDULE.

PROVISIONS AS TO DETERMINATION AND APPORTIONMENT OF RECEIPTS AND VALUES BY JOINT AUTHORITY AND RAILWAY ASSESSMENT AUTHORITY.

1. The Joint Authority, as soon as they are in a position to determine as regards any undertaking which is carried on in England and in Scotland the average net receipts of the company, so far as those receipts are to be ascertained by the Joint Authority, and to apportion the amount of those receipts

3RD SCH. —*cont.*

between England and Scotland, shall publish, in such manner as the Minister and the Secretary of State may direct, a notice stating the amount which they propose to fix as being the amount of those net receipts, and their proposed apportionment thereof between England and Scotland.

2. Where any such notice as aforesaid with respect to any undertaking has been published by the Joint Authority, representations in writing with respect to the amount which the Joint Authority propose to fix as the amount of the average net receipts of the company, or with respect to their proposed apportionment of that amount between England and Scotland, may, within two months from the date of the publication, be made to the Joint Authority by the railway company, by the county valuation committee of any county and the council of any county borough, being a county or county borough in England within which the undertaking is carried on, by any Scottish public authority and by the rating authority of any area in Scotland within which the undertaking is carried on.

Every such representation shall contain short particulars of the grounds on which the person making it is dissatisfied and a statement of the alterations which ought, in his opinion, to be made.

3. The Joint Authority shall take into consideration every representation made to them under the last preceding paragraph and shall invite the person making it and such other persons as they think fit to appear before them for the purpose of being heard by them with respect thereto.

4. So soon as may be after all representations made to them under this Schedule with respect to any undertaking have been considered as aforesaid, or, if no representation is made to them within the period allowed for the making of representations, then so soon as may be after the expiration of that period, the Joint Authority shall proceed to determine the average net receipts of the undertaking so far as such receipts are to be determined by them and to apportion those receipts between England and Scotland, and in so doing may make such alterations in the amount of the receipts, or in the apportionment originally proposed by them, as they may consider to be necessary for the purpose of giving effect to such, if any, of the representations made as appear to them to be well founded, or for the purpose of correcting any clerical or arithmetical errors.

The Joint Authority shall, so soon as may be, certify the amount so determined by them and their apportionment thereof to the Authority and to the Assessor of Railways and Canals for Scotland, and shall publish their certificate in such manner as the Minister and the Secretary of State may direct.

5. The Railway Assessment Authority (hereafter in this Schedule referred to as "the Authority"), so soon as they are

3RD SCH. —*cont.*

in a position to determine with respect to any railway company the net annual value of the undertaking as a whole, or the net annual value of the undertaking as a whole in so far as it is carried on in England, the apportionment thereof amongst the several railway hereditaments in England occupied by the company and the net annual and rateable values of each hereditament, shall settle a draft of the part of the railway valuation roll which relates to that undertaking and send to the railway company and to the county valuation committee of every county and the rating authority of every rating area, being a county or rating area in England within which the undertaking is carried on—

(*a*) a notice stating that a draft of that part was settled on a specified date and is open to inspection; and

(*b*) such information as to the contents of that part as may be prescribed to be sent to railway companies, county valuation committees and rating authorities respectively;

and every rating authority shall forthwith give such notice as to the receipt of, and afford such facilities for the inspection of, that information as may be prescribed.

6. Where any such notice as aforesaid with respect to any undertaking has been given by the Authority, representations in writing with respect to the proposals of the Authority, as contained in the draft of the relevant part of the roll, may, within such period, not being less than two months from the date of the notice, as may be specified therein, be made to the Authority by the persons hereinafter mentioned, that is to say :—

(*a*) with respect to the amount which the Authority propose to fix as being the amount of the average net receipts of the company so far as those receipts are to be ascertained by them, or the amount which they propose to fix as the net annual value of the undertaking as a whole, or of the undertaking as a whole in so far as it is carried on in England, by the railway company and by the county valuation committee of any county and the council of any county borough, being a county or county borough within which the undertaking is carried on;

(*b*) with respect to the Authority's proposal to treat any premises as being, or as not being, a railway hereditament, or a part of a railway hereditament, or with respect to the amount which the Authority propose to fix as the net annual value or rateable value of any railway hereditament, by the railway company and by the county valuation committee of the county and the rating authority of the rating area within which the hereditament is situate and by any person aggrieved.

3RD SCH. —*cont.*

Every such representation shall contain short particulars of the grounds on which the person making it is dissatisfied, and a statement of the alterations which ought, in his opinion, to be made.

7. The Authority shall take into consideration every representation made to them under the last preceding paragraph, and shall invite the person making it and such other persons as they think fit to appear before them for the purpose of being heard by them with respect thereto :

Provided that, upon a representation made under sub-paragraph (*b*) of the last preceding paragraph, the Authority shall not enter upon any inquiry as to the correctness of the amount proposed to be fixed as the net annual value of the undertaking as a whole, or of the undertaking as a whole, in so far as it is carried on in England and they shall not upon any representation made to them enter upon any inquiry as to the correctness of any amount, or the fairness of any apportionment, certified by the Joint Authority.

8. So soon as may be after all representations made to them under this Schedule with respect to any undertaking have been considered as aforesaid, or, if no representation is made within the period allowed for the making of representations, then so soon as may be after the expiration of that period, the Authority shall proceed to determine the net annual value of the undertaking as a whole, or the net annual value thereof as a whole in so far as it is carried on in England, as the case may be, the apportionment of that value among the several railway hereditaments occupied by the railway company, the manner in which those hereditaments are to be classified and the net annual and rateable values of each hereditament; and in so doing the Authority may make such alterations in any value, apportionment or classification originally proposed by them as they may consider to be necessary for the purpose of giving effect to such, if any, of the representations made as appear to them to be well-founded, or for the purpose of correcting any clerical or arithmetical errors or, if any appeal against a certificate of the Joint Authority has previously been decided, for the purpose of giving effect to the decision thereon.

Section 21.

FOURTH SCHEDULE.

TEMPORARY AND TRANSITORY PROVISIONS.

PART I.

1. If an agreement is made, whether before or after the commencement of this Act, between the chairman of the Central Valuation Committee acting with the authority of that Committee on the one hand, and any railway company on the other hand with respect to the ascertainment for the purposes of the financial year commencing on the first day of April, nineteen hundred and thirty, of the net annual and rateable values of hereditaments outside London occupied by that company, the net annual and rateable values of any such hereditament as ascertained in accordance with the provisions of the agreement shall, for the purpose of all rates made and levied in respect of the said year or any portion thereof, be deemed to be the net annual and rateable values respectively of that hereditament, and every assessment committee concerned shall, upon receiving notice of the values so ascertained, cause any necessary amendments to be made in the valuation lists for rating areas within their assessment area.

PART II.

1. For the purposes of any valuation list which will be in force at any time between the thirty-first day of March, nineteen hundred and thirty-one, and the date on which the relevant part of the first railway valuation roll has been revised by the Railway Assessment Authority, all hereditaments shewn in the valuation list in force on the said thirty-first day of March as being freight transport hereditaments occupied by the company shall be treated as if they were for the time being shewn in the railway valuation roll as railway hereditaments:

Provided that, if the company is a party to any such an agreement as is mentioned in Part I of this Schedule, every hereditament outside London occupied by the company, whether a freight transport hereditament or not, shall be so treated, if it was on the said thirty-first day of March a hereditament to which that agreement applies.

2. Until the relevant part of the first railway valuation roll has been revised by the Railway Assessment Authority, no alteration shall be made in the particulars and values appearing in any valuation list with respect to any hereditament which is under the last preceding paragraph to be treated as if it was

for the time being shewn in the railway valuation roll as a railway hereditament; but, so soon as may be after the revision, every assessment committee shall cause to be made such amendments of any valuation list (including any valuation list which has ceased to be in force since the date as from which under paragraph 4 of this Part of this Schedule the amendments are to have effect) as are necessary to secure that the hereditaments, values and particulars which appear in the roll appear also in the list, and shall also cause to be made any necessary consequential amendments. 4TH SCH. —*cont.*

3. If it appears from the relevant part of the roll as completed and as revised that any premises which under paragraph 1 of this Part of this Schedule have been treated as being, or as forming part of, a railway hereditament are not a railway hereditament and do not form part of any railway hereditament, such amendments may be made of any valuation list (including any valuation list which has ceased to be in force since the date as from which under paragraph 4 of this Part of this Schedule the amendments are to have effect) by way of proposal, or in London by way of provisional or supplemental list, as are necessary to secure that those premises and correct values and particulars in respect thereof appear in the appropriate part of the valuation list.

4. All the provisions of this Act shall apply as if any amendment made under paragraph 2 of this Part of this Schedule had been made under subsection (3) of section twelve of this Act and as if any amendment made under the last preceding paragraph had been made under subsection (5) of the said section twelve.

CHAPTER 25.

An Act to confer on third parties rights against insurers of third-party risks in the event of the insured becoming insolvent, and in certain other events. [10th July 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Rights of third parties against

1.—(1) Where under any contract of insurance a person (hereinafter referred to as the insured) is