5. TRANSITIONAL REGULATIONS

The Rating and Valuation (Transitional) Regulations, 1949

1949 No. 2313

Made - - - -	13*th December*, 1949
Laid before Parliament	14*th December*, 1949
Coming into Operation	1*st February*, 1950

M.H. 109,954

The Minister of Health, in exercise of the powers conferred upon him by section 71 and subsection (2) of section 72 of the Local Government Act, 1948(a), hereby makes the following regulations:—

1. These regulations may be cited as the Rating and Valuation (Transitional) Regulations, 1949, and shall come into operation on the appointed day.

2.—(1) In these regulations, unless the context otherwise requires—

"the appointed day" means the first day of February, 1950;

"the Act of 1925" means the Rating and Valuation Act, 1925(b);

"the Act of 1948" means the Local Government Act, 1948;

"the appropriate rating authority" means, in relation to an assessment committee which acts for only one rating area, the rating authority for that area, and, in relation to an assessment committee which acts for more than one rating area, such one of the rating authorities concerned as may be agreed between them or, in default of agreement, as may be determined by the Minister;

"the Minister" means the Minister of Health.

(2) The Interpretation Act, 1889(c) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) Any proposal for the amendment of a valuation list made by or served on a rating authority before the appointed day under subsection (1) of section 37 of the Act of 1925, being a proposal which has not been determined by an assessment committee, shall be treated for the purposes of the Act of 1948 as a proposal made by or served on a valuation officer on the said day under section 40 or section 41 of that Act as the case may require:

Provided that—

(*a*) a proposal served on a rating authority by a county valuation committee shall be treated as a proposal made as aforesaid by the valuation officer;

(*b*) subsection (2) of section 41 of the Act of 1948 shall apply to any proposal treated as aforesaid with the substitution for the reference therein to "seven days" of a reference to "twenty-one days".

(2) Any alteration made in a valuation list in pursuance of a proposal to which this regulation applies shall have effect as from the date from which it would have had effect if the Act of 1948 had not been passed.

(a) 11 & 12 Geo. 6. c. 26. (b) 15 & 16 Geo. 5. c. 90. (c) 52 & 53 Vict. c. 63.

4. Where a proposal for the amendment of a valuation list made by or served on a rating authority before the appointed day under subsection (1) of section 37 of the Act of 1925 has been determined by an assessment committee and no appeal has been brought against the decision of the committee, then if the period during which an appeal could have been brought before the appointed day has not expired, the decision of the assessment committee shall be treated for the purposes of the Act of 1948 as a decision given on the appointed day by a local valuation court having jurisdiction in that behalf, and the valuation officer and any person who could have appealed against the decision of the assessment committee, or who could have responded to such an appeal, shall for the purposes of section 49 of the Act of 1948 be deemed to be a person who appeared before the local valuation court on the hearing of the appeal.

5.—(1) Without prejudice to the provisions of section 38 of the Interpretation Act, 1889, the provisions of sections 31 to 36 of the Act of 1925 shall continue to apply in relation to any appeal to a court of quarter sessions against a decision of an assessment committee with respect to a proposal for the amendment of a valuation list, being an appeal which is pending on the appointed day, as if the Act of 1948 had not been passed, and subsection (5) of the said section 31 shall so continue to apply in relation to any decision given by a court of quarter sessions within 21 days before the appointed day:

Provided that—

(*a*) any function which would have been exercisable by an assessment committee or a county valuation committee had those bodies continued in existence after the appointed day shall be exercisable by such county council, rating authority or valuation officer as the court or arbitrator, as the case may be, having jurisdiction in the matter may, upon application made in that behalf, direct; and

(*b*) any statement required to be sent by the clerk of a court of quarter sessions to an assessment committee under subsection (10) of section 31 of the Act of 1925 specifying an alteration to be made in a valuation list shall be sent by him to the valuation officer who shall cause such alterations to be made in that list as are specified in the statement.

(2) All legal proceedings affected by this regulation may be amended in such manner as may be necessary or proper in consequence thereof.

(3) Any alteration made in a valuation list in pursuance of this regulation shall be deemed to have effect as from the date from which it would have been deemed to have had effect if the Act of 1948 had not been passed.

6. Any award of costs made in connection with proceedings to which these regulations apply may make separate provision in respect of costs incurred before and after the appointed day respectively, and where in pursuance of any such award any costs would have fallen to be paid to or by an assessment committee or a county valuation committee had those bodies continued in existence after the appointed day such costs shall—

(*a*) in the case of an assessment committee, be paid to or by the appropriate rating authority and shall be deemed to have been received or to have been payable, as the case may be, by the committee immediately before the appointed day, and

(*b*) in the case of a county valuation committee, be paid to or by, as the case may be, the county council by which the committee was appointed.

7. Where immediately before the first day of April, 1950, a building or any portion thereof was deemed to be a single hereditament by virtue of section 23 of the Act of 1925, it shall be deemed to have been treated on that day by the valuation officer as a single hereditament in accordance with subsection (1) of section 57 of the Act of 1948.

Given under the official seal of the Minister of Health this thirteenth day of December, nineteen hundred and forty-nine.

(L.S.) *Aneurin Bevan,*
Minister of Health

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The Regulations provide for the continuance of proceedings for the amendment of valuation lists pending outside London on the 1st February, 1950 when the new machinery for the preparation and alteration of such lists comes into operation under Part III of the Local Government Act, 1948. They also carry over from the old to the new provisions the rateability of owners of certain houses occupied in parts.

RATING AND VALUATION, SCOTLAND

1. *Assessor of Public Undertakings Valuation Roll.*

2. *Transport and Electricity Authorities' Payments*, p. 3575.

1. ASSESSOR OF PUBLIC UNDERTAKINGS VALUATION ROLL

The Assessor of Public Undertakings Valuation Roll (Procedure Dates) (Scotland) Order, 1949

1949 No. 580 (S. 29)

Made - - - - *26th March*, 1949
Coming into Operation *2nd April*, 1949

In exercise of the powers conferred on me by subsection (5) of section 22 of the Railways (Valuation for Rating) Act, 1930(**a**), and of all other powers enabling me in that behalf, I hereby make the following Order:

1. This Order may be cited as the Assessor of Public Undertakings Valuation Roll (Procedure Dates) (Scotland) Order, 1949, and shall come into operation on the 2nd day of April, 1949.

2. The Interpretation Act, 1889(**b**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(**a**) 20 & 21 Geo. 5. c. 24. (**b**) 52 & 53 Vict. c. 63.