(*b*) be appointed under section 83 or section 93 of the Local Government (Scotland) Act, 1947(**a**), to act as depute assessor;

(*c*) on or after the 16th day of May, 1957, act as depute assessor by virtue of the said section 83 or 93;

unless at the time of his appointment or on the said date, as the case may be, such person possesses one of the following qualifications, namely, that he is either—

(i) a Fellow or Professional Associate of the Royal Institution of Chartered Surveyors; or

(ii) a Fellow or Associate of the Chartered Auctioneers' and Estate Agents' Institute; or

(iii) a Fellow or Qualified Associate of the Land Agents' Society.

Dated this tenth day of October, 1956.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

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

These regulations prescribe the qualifications which must be held by any person appointed under section 1 of the Valuation and Rating (Scotland) Act, 1956, to the office of assessor or by any person appointed to act as a depute assessor.

1956 No. 632

The Rating Appeals (Local Valuation Courts) Regulations, 1956

Made - - - -	24*th April*, 1956
Laid before Parliament	30*th April*, 1956
Coming into Operation	1*st May*, 1956

The Minister of Housing and Local Government, in exercise of his powers under sections 44 and 48 of the Local Government Act, 1948(**b**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Title, commencement and application

1.—(1) These regulations may be cited as the Rating Appeals (Local Valuation Courts) Regulations, 1956, and shall come into operation on the first day of May, 1956.

(**a**) 10 & 11 Geo. 6. c. 43. (**b**) 11 & 12 Geo. 6. c. 26.

(2) Regulations 2 to 11 of these regulations shall apply to appeals arising out of proposals for the alteration of valuation lists made under Part III of the Act of 1948, and regulation 12 to applications made in connection with such appeals.

Interpretation

2.—(1) The Interpretation Act, 1889(**a**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"the Act of 1948" means the Local Government Act, 1948, as amended by any subsequent enactment;

"court" means a local valuation court convened under subsection (1) of section 48 of the Act of 1948 for the hearing of an appeal;

"chairman" means the person acting as chairman at a meeting of the court;

"the clerk" means the clerk to the local valuation panel from the members of which the court is constituted or other person for the time being authorised by the panel to act as clerk or on his behalf; and

"party" in relation to an appeal means a person entitled to appear who appears at the hearing of the appeal whether in person or in other manner permitted by these regulations.

Jurisdiction as respects extensive undertakings

3. The court to hear and determine any appeal relating to any hereditament or hereditaments the value of which is ascertained by reference to the accounts, receipts or profits of an undertaking carried on thereon, or to hear and determine any appeal in which it is claimed that the value of any hereditament or hereditaments should be so ascertained, shall consist of members of that local valuation panel within whose area are situated hereditaments occupied for the purpose of that undertaking having in the aggregate, and according to the valuation lists for the time being in force, a greater rateable value than have any hereditaments so occupied within the area of any other local valuation panel. In the event of an equality of aggregate rateable values or of none of the hereditaments so occupied being included in any valuation list, the appeal shall be heard and determined by a court consisting of members of such one of the panels within whose area hereditaments so occupied are situated as the Minister of Housing and Local Government may determine.

Date and place of hearing

4.—(1) The clerk shall give not less than 14 days notice of the date, time and place fixed for the hearing of an appeal to the appellant and to every person who has served, and has not unconditionally withdrawn, a notice of objection to the proposal.

(a) 52 & 53 Vict. c. 63.

(2) The clerk shall advertise the date, time and place at which a court will sit to hear any appeals by causing a notice of the same to be affixed to the offices of the local valuation panel, and also to be affixed to the offices of the rating authority or posted in some conspicuous place or places within the rating area, and such notice shall name a place where a list of the appeals to be heard may be inspected.

(3) Where, in the scheme for the constitution of the local valuation panel from the members of which the court falls to be constituted, provision is made for the division of the panel area into divisions, every appeal shall, so far as is practicable, be heard within the division of the area of the panel within which the hereditament, or where more than one hereditament is concerned any of those hereditaments, is situated.

Representation

5. On the hearing of an appeal the rating authority may appear by their clerk or other officer duly appointed for the purpose or by counsel or solicitor and any other person entitled to appear may appear in person or by counsel or solicitor or by any other representative:

Provided that no member of the local valuation panel from the members of which the court is constituted shall be entitled to act in relation to the appeal as representative for any person entitled to appear.

Hearing

6. On the hearing of an appeal the appellant shall begin unless the court, having regard to the particular circumstances of the case and with the consent of the appellant, otherwise determine. Subject as aforesaid the parties to the appeal shall be heard in such order as the court may determine.

Non-appearance

7. If any person entitled to appear does not appear at the hearing of an appeal, the court may, upon being satisfied that the requirements of paragraphs (1) and (2) of regulation 4 of these regulations have been duly complied with, proceed with the hearing on the assumption that he does not desire to be heard.

Adjournment and separate hearings

8. The court may postpone or adjourn the hearing of any appeal for such time and to such place and upon such terms, if any, as it thinks fit, or may order that different questions arising in the appeal be heard at such different times or in such order or at such different places as to the court may seem expedient.

Withdrawal of parties, etc.

9. No person, being a party to an appeal or an employee or member of a body which is such a party or a person acting for such a party or a person called as a witness during the hearing, shall be present while the court is considering its decision on the appeal.

Decision

10.—(1) Except in a case to which the proviso to subsection (3) of section 44 of the Act of 1948 applies, the decision of the majority of the court shall be the decision of the court.

(2) The decision of the court, embodying any directions given under subsection (4) of section 48 of the Act of 1948, shall be in writing and signed by the chairman.

(3) A copy of the decision certified by the clerk shall be sent by him to every party to the appeal and he shall also inform every such party of the right to appeal against the decision of the court. A copy of the decision shall also be sent to the valuation officer where he is not a party to the appeal.

Non-compliance with regulations

11. Non-compliance with any of these regulations other than regulation 3 thereof shall not render any proceeding in the appeal void unless the court shall so direct, but such proceeding may be set aside either wholly or in part as irregular, or amended, or otherwise dealt with in such manner and upon such terms as the court shall think fit.

Applications in respect of returns

12.—(1) An application to the court under subsection (6) of section 3 of the Rating and Valuation (Miscellaneous Provisions) Act, 1955(**a**), shall be made in writing and sent to the clerk and a copy of the application shall forthwith be served by the applicant on the valuation officer.

(2) The clerk shall give not less than 7 days notice of the date, time and place fixed for the hearing of the application to the applicant and to the valuation officer.

(3) On the hearing of the application the applicant shall be entitled to begin and the valuation officer shall be entitled to appear and be heard.

(4) If any person entitled to appear does not appear at the hearing of the application, the court may, upon being satisfied that the requirements of paragraphs (1) and (2) of this regulation have been duly complied with, proceed with the hearing on the assumption that he does not desire to be heard.

(5) A decision of the court not to make an order shall be in writing and signed by the chairman.

(6) The clerk shall send a copy of the order, or the decision of the court not to make an order, to the applicant and the valuation officer and, if the applicant appeared at the hearing of the application, shall also inform him of the right to appeal against the decision of the court.

(7) Regulation 5 of these regulations shall apply to the applicant and the valuation officer, and regulations 8 and 9, paragraph (1) of regulation 10 and regulation 11 shall apply on the hearing of an application as on the hearing of an appeal.

(**a**) 4 & 5 Eliz. 2. c. 9.

Revocation of existing regulations

13. The Rating Appeals (Local Valuation Courts) Regulations, 1949(**a**), are hereby revoked, except in their application to appeals arising out of proposals for the alteration of the valuation lists in force immediately before the first day of April, 1956, and in such application shall be amended by the substitution for the definition of "chairman" contained therein of the definition contained in regulation 2 of these regulations.

Given under the official seal of the Minister of Housing and Local Government this twenty-fourth day of April, nineteen hundred and fifty-six.

(L.S.) *Duncan Sandys,*
Minister of Housing and Local Government.

EXPLANATORY NOTE

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

These Regulations prescribe the general procedure to be followed by local valuation courts in hearing rating appeals. They also provide a method for determining which court is to hear appeals relating to certain undertakings occupying properties in different areas. The Regulations also revoke and supersede the Rating Appeals (Local Valuation Courts) Regulations, 1949.

1956 No. 1855 (S. 85)

The Association of County Councils (Contributions) (Scotland) Order, 1956

Made - - - -	19*th November*, 1956
Laid before Parliament	29*th November*, 1956
Coming into Operation	16*th May*, 1957

In exercise of the powers conferred on me by section 31 of the Valuation and Rating (Scotland) Act, 1956(**b**), I hereby make the following Order:—

1. This Order may be cited as the Association of County Councils (Contributions) (Scotland) Order, 1956, and shall come into operation on the 16th day of May, 1957.

(**a**) S.I. 1949/2312 (1949 I, p. 3556). (**b**) 4 & 5 Eliz. 2. c. 60.