

SCHEDULES

SCHEDULE 15

Sections 44 and 63.

MODIFICATIONS AS FROM 1ST APRIL 1965 OF RATING AND VALUATION ENACTMENTS

PART I

THE RATING AND VALUATION ACT 1925

- 1 For section 1 (1) there shall be substituted—
- “(1) The council of every county borough, London borough and county district shall be the rating authority for the borough or district, and the rating authority—
- (a) for the City of London shall be the Common Council; and
 - (b) for the Inner Temple and the Middle Temple shall be the Sub-Treasurer and the Under-Treasurer thereof respectively,
- and no authority or person other than the rating authority shall have power to make or levy any rate within any rating area.”
- 2 (1) The provisions of section 2 other than subsections (4) and (7) shall not apply to the City or the Temples.
- (2) In section 2 (6), after the words "rating authority" there shall be inserted the words " in the case of the council of a London borough as part of the general rate and in any other case ",
- 3 (1) Section 4 (1) shall not apply to the City.
- (2) At the end of section 4 (4) there shall be added—
- “Provided that, in relation to any rate to which section 177 of the City of London Sewers Act 1848 (which relates to the rating of empty houses in the City of London) applies, this subsection shall have effect subject to the provisions of the said section 177, and any amount in respect of any such rate which any person is required by that section to pay or allow in respect of any period during which a hereditament is unoccupied shall be allowed to the rating authority in computing any sum which that person is entitled to recover from the authority in respect of that hereditament under this subsection.”
- 4 Sections 6, 7 and 8 shall not apply to the City.
- 5 (1) Section 9 (1) shall not apply to Greater London.
- (2) Section 9 (2) to (5) shall apply in relation to Greater London as if the Greater London Council were the council of a county.
- (3) In the application of section 9 (2) (b) to the City, for references to the general rate there shall be substituted references to the poor rate.

Status: This is the original version (as it was originally enacted).

- (4) Section 9 (3) shall apply to Greater London as if for the reference to the commencement of the said Act of 1925 there were substituted a reference to 31st March 1965.
- 6 Section 10 (1) and (2) shall not apply to the City or the Temples.
- 7 In the application of section 11 to the Temples, for any reference to a resolution of the rating authority there shall be substituted a reference to an order of the rating authority.
- 8 Section 12 shall not apply to the Temples.
- 9 In the application of section 21 (1) to Greater London, the words " or other area which is liable to be charged separately in respect of any expenses " (being words inserted by paragraph 1 of Schedule 4 to the Rating and Valuation Act 1961) shall be omitted.
- 10 Section 54 (1) shall not apply to the City or the Temples, but—
- (a) the accounts of the Common Council so far as they relate to the poor rate levied in the City ; and
 - (b) the accounts of the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple so far as they relate to any rate in the nature of a general rate levied in the Inner Temple or the Middle Temple, as the case may be,
- shall be subject to audit by a district auditor under Part X of the Local Government Act 1933.
- 11 In section 64, paragraphs (b) to (e) of subsection (1), the proviso to subsection (1), and subsection (2) shall not apply to an inner London borough, the City or the Temples.
- 12 In section 68 (1), in the definition of "urban rating area", for the words " or an urban district" there shall be substituted the words " non-county borough or urban district or a rating area in Greater London ",
- 13 In section 68, at the end there shall be added—
- “(5) Subsection (4) of this section shall not apply to Greater London, but any reference to a parish in this or any other Act, whether passed before or after this Act, shall, unless the contrary intention appears, be construed in relation to Greater London as a reference to a rating area and, in the case of an enactment relating to rating or valuation, as including a reference to any part of a rating area which is subject (otherwise than in respect of a garden or square or by reason of any provision of the City of London (Tithes and Rates) Act 1910 or the City of London (Tithes) Act 1947) to separate or differential rating.”

PART II

Modifications of Act of 1925 and other enactments

- 14 Without prejudice to any modification having effect by virtue of Part I or Part III of this Schedule, any reference to a general rate in any enactment relating to rating and valuation, including the Rating and Valuation Act 1925, shall, in relation to the City, include a reference to a poor rate and, in relation to the Temples, be construed

as a reference to any rate in the nature of a general rate levied in the Inner Temple or the Middle Temple, as the case may be.

15 (1) Without prejudice to the operation of any other enactment relating to the recovery of rates, where—

- (a) any hereditament in a rating area in Greater London is occupied upon terms which provide that the owner shall pay the general rate charged on that hereditament; and
- (b) the occupier of the hereditament would in any proceedings against him by the rating authority to enforce payment of that rate be entitled to claim diplomatic immunity,

the owner shall be liable to pay to the rating authority an amount equal to so much of any payment in respect of rent received by him from the occupier as represents the proportion of rate included in that payment, and that amount may be recovered from the owner in the same manner and subject to the same conditions as rates recoverable from the occupiers of rated hereditaments.

(2) In this paragraph—

- (a) the expression " diplomatic immunity" means immunity from suit and legal process which is accorded by law to an envoy or other public minister of a foreign sovereign power accredited to Her Majesty, or to the family or official or domestic staff of such an envoy or minister or to the families of any such staff, and includes any like immunity and any exemption or relief from rates which is conferred on any person or organisation by or under the International Organisations (Immunities and Privileges) Act 1950 or the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952 ;
- (b) (the expression " owner" in relation to a hereditament 'includes any person who receives any rent of the hereditament whether on his own account or as agent or trustee for another person.

PART III

Modifications of enactments other than Act of 1925

16 Section 177 of the City of London Sewers Act 1848 shall not apply to any hereditament in the City so long as an undertaking in respect of that hereditament is in force under section 11 (2) (a) of the Rating and Valuation Act 1925.

17 Sections 10 and 12 of the London Government Act 1899 and any scheme under the said section 10 shall cease to have effect.

18 In section 117 (8) of the Local Government Act 1929, for the words from "county borough" onwards there shall be substituted the words " rating area in which that parish or other area is situated, to be credited to that parish or other area ",

19 (1) Section 45 of the Local Government Act 1948 shall apply in relation to Greater London as if Greater London were a county and the Greater London Council were the council of that county, and shall have effect subject to the following provisions of this paragraph.

(2) It shall be the duty of the Greater London Council and of the council of each of the counties of Essex, Hertfordshire, Kent and Surrey to make and submit to the Minister not later than 30th June 1966 a scheme for the constitution of one or more local

valuation panels for the area of, or for areas which together comprise the whole of, Greater London or, as the case may be, the county review area of that county ; and any such scheme shall be treated for all purposes as having been made and submitted to the Minister under subsection (1) of the said section 45.

- (3) Any such scheme approved by the Minister under subsection (3) of the said section 45 shall not come into operation until 1st April 1967.
- (4) Any scheme under the said section 45 for the constitution of local valuation panels for an area abolished or altered by this Act, being a scheme in force immediately before 1st April 1965, shall, notwithstanding the abolition or alteration of that area, but subject to subsection (5) of that section, continue in force until 1st April 1967 and then expire.
- (5) Any vacancy occurring before 1st April 1967 in the membership of a local valuation panel constituted under a scheme continued in force by the last foregoing subparagraph shall—
- (a) if the area for which the panel is constituted falls wholly within Greater London, be filled by a person appointed by the Greater London Council;
 - (b) if the said area falls wholly within the county review area of one of the said counties aforesaid, be filled by a person appointed by the council of that county ;
 - (c) in any other case, be filled by a person appointed jointly by those of the said councils within whose areas or county review areas any part of the area for which the panel is constituted falls.
- 20 Section 69 of the said Act of 1948 shall have effect as if the Greater London Council were a county council.
- 21 In section 144 (1) of the said Act of 1948, in the definition of " local authority ", for the words " metropolitan borough " there shall be substituted the words " London borough ",
- 22 In section 13 (2) of the Rating and Valuation Act 1961, for the words " metropolitan borough " there shall be substituted the words " London borough ", and after the words " parish meeting " there shall be inserted the words " the Greater London Council ",
- 23 In section 18(2)(d) of the said Act of 1961, after the words " each county borough " there shall be inserted the words " to each rating area in Greater London ", and after the word " borough " in the second and third places where it occurs there shall be inserted the words " rating area ",
- 24 In the application of section 22 (3) of the said Act of 1961 to Greater London, the definition of " parish " shall be omitted.
- 25 In section 24 (4) of the said Act of 1961, after the word " counties " there shall be inserted the words " the Greater London Council, the councils of London boroughs ",
- 26 In Schedule 4 to the Licensing Act 1961, in paragraph 2 (5) (a), for the words " urban parish " there shall be substituted the words " urban rating area within the meaning of the Rating and Valuation Act 1925 ",