



Local Government Act 1948

1948 CHAPTER 26

PART III

VALUATION AND RATING PROCEDURE.

Appeals.

44 Local valuation courts.

- (1) Local valuation courts constituted as hereinafter provided shall be convened as often as may be necessary for the purpose of hearing and determining appeals under the preceding provisions of this Part of this Act against draft valuation lists and against objections to proposals for the alteration of valuation lists.
- (2) The local valuation court which hears and determines an appeal with respect to a hereditament shall consist of members of a local valuation panel constituted under such a scheme as is mentioned in the next succeeding section, being the panel for the area within which that hereditament is situated :

Provided that regulations made by the Minister may provide, in relation to hereditaments the value of which is or may be ascertained by reference to the accounts, receipts or profits of an undertaking carried on thereon, that jurisdiction as respects all or any of the hereditaments occupied for the purposes of a particular undertaking shall be exercised by a local valuation court consisting of members of such one of the local valuation panels within whose areas any of those hereditaments are situated as may be specified by or under the regulations.

- (3) Every such court shall consist of—
 - (a) either the chairman of the local valuation panel or the deputy chairman (or, if more than one, one of the deputy chairmen) thereof ; and
 - (b) two other members of the panel selected in accordance with the scheme under which the panel is constituted.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

45 Submission and approval of schemes.

- (1) It shall be the duty of the council of every county and county borough to make and submit to the Minister a scheme for the constitution of a local valuation panel for the county or county borough or two or more local valuation panels for areas which together comprise the whole of the county or county borough :

Provided that any two or more councils, whether councils of counties or of county boroughs, may, and, if so directed by the Minister, shall, make and submit to the Minister a joint scheme for the constitution of a local valuation panel or local valuation panels for the whole of their respective areas, or for areas which together comprise the whole of their respective areas.

- (2) As soon as a scheme has been submitted to the Minister under this section, the council or councils submitting the scheme shall publish in one or more newspapers circulating in their area or areas a notice stating that the -scheme has been so submitted and that a copy is open to inspection at a specified place; and, where the said area or areas or either of them' are counties, the council or councils submitting the scheme shall, at the same time as they submit it, send a copy thereof to each of the rating authorities within that county or, as the case may be, those counties.
- (3) No scheme submitted to the Minister under this section shall be of any effect unless and until it is approved by the Minister, and the Minister, after considering any objections to the scheme which may be submitted to him by persons appearing to him to be interested, may approve the scheme with or without modifications.
- (4) If, on the expiration of nine months from the date of the coming into force of this section, there remains any area which is not covered by any of the schemes which have by then been submitted under this section, or which is covered only by a scheme which the Minister is not prepared to approve, the Minister may himself make, a scheme for the constitution of a local valuation panel or local valuation panels for that area, and the scheme when so made shall have effect as if it had been submitted by the council of the county or county borough in question or, as the case may be, by the councils of all the counties and county boroughs in question, and had been approved by the Minister.
- (5) Any scheme made under this section may be revoked or varied—
- (a) by a new scheme made and submitted to and approved by the Minister in accordance with the provisions (subject to any necessary modification) of subsections (1) to (3) of this section ; or
 - (b) by a new scheme made by the Minister on a representation made by any local valuation panel or valuation officer and after consultation with the council of any county or county borough concerned.
- (6) Before a scheme is made by the Minister under this section, he shall publish in one or more newspapers circulating in the area to which the scheme relates a notice stating his proposal to make the scheme, and that a copy of a draft of the scheme is open to inspection at a specified place, and specifying a date by which any person may send to him any representations respecting the draft.

46 Membership of panels.

- (1) Schemes under the last preceding section shall provide, as respects the panels to which those schemes respectively relate—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (a) for fixing the number of members of the panel and for determining their respective tenures of office and the persons by whom they are to be appointed respectively ;
 - (b) for the appointment of one of those members as chairman of the panel and not more than two of the other members as deputy chairmen thereof ;
 - (c) subject to the provisions of the last but one preceding section, for the manner in which members of local valuation courts are to be selected from members of the panel.
- (2) A person shall be disqualified from being appointed or being a member' of any local valuation panel as aforesaid if he is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors, or has within the five years immediately preceding his appointment or since his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and ordered to be imprisoned for a period of not less than three months without the option of a fine :

Provided that—

- (a) a disqualification attaching to a person under this subsection by reason of his having been adjudged bankrupt shall cease—
 - (i) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or that his debts have been paid in full, on the date of the annulment; or
 - (ii) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, on the date of his discharge ; or
 - (iii) in any other case, on the expiration of five years from the date of his discharge ;
- (b) a disqualification attaching to a person under this section by reason of his having made a composition or arrangement with his creditors shall cease—
 - (i) if he pays his debts in full, on the date on which the payment is completed ; or
 - (ii) in any other case, on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled ;
- (c) for the purposes of this subsection, the ordinary date on which the period allowed for making appeal from the conviction expires, or, if such appeal is made, the date on which it is finally disposed of or abandoned or fails by reason of the non-prosecution thereof, shall be deemed to be the date of the conviction.

47 Staff, expenses, &c, of local valuation panels and courts.

- (1) To assist the panel, the chairman thereof and the local valuation courts constituted from members thereof in the performance of their functions under this Part of this Act, every local valuation panel shall appoint a person to be their clerk and may appoint such other officers and servants as they may, with the approval of the Minister, determine, and may pay to them such salaries, allowances and other remuneration as they may, with the approval of the Minister and the Treasury, determine, and every such panel shall be deemed for the purposes of the Local Government Superannuation Act, 1937, to be a local authority included in Part I of the First Schedule to that Act :

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

Provided that the functions of the officers and servants appointed under this subsection shall not extend to the valuation of hereditaments, and the power to appoint officers and servants conferred by this subsection shall be exercised accordingly.

- (2) The expenses of every such panel, including the expenses of the local valuation courts from time to time constituted from the members thereof, shall be defrayed by the Minister out of moneys provided by Parliament.
- (3) Minutes of the proceedings of a valuation panel and of the local valuation courts constituted from members thereof shall be kept in books provided for that purpose, and a minute of any such proceedings signed—
 - (a) in the case of a meeting of the panel, at the same or the next subsequent meeting of the panel, by the person acting as chairman at the meeting at which the minute is signed ; and
 - (b) in the case of a meeting of a local valuation court, at or not later than two days after the date of the meeting to which the minute relates, by the person acting as chairman at the meeting to which the minute relates,
 shall be received in evidence without further proof.

48 Sittings, procedure and powers of local valuation courts.

- (1) Where notice of appeal to a local valuation court is served under the preceding provisions of this Part of this Act by or on the valuation officer, the valuation officer shall forthwith notify the clerk to the local valuation panel from the members of which the local valuation court which is to hear the appeal falls to be constituted, and it shall be the duty of the chairman of that panel to arrange for the convening of such a court.
- (2) The procedure of local valuation courts shall, subject to such regulations, if any, as may be made in that behalf by the Minister, be such as the court in question may determine, and every such court—
 - (a) shall, unless the court otherwise order, on the application of any party to the appeal and upon being satisfied that the interests of either party would be prejudicially affected, sit in public ;
 - (b) may take evidence on oath and shall have power for that purpose to administer oaths.
- (3) On the hearing of an appeal to a local valuation court—
 - (a) the appellant; and
 - (b) the valuation officer, when he is not the appellant; and
 - (c) the owner or occupier of the hereditament to which the appeal relates, when he is not the appellant; and
 - (d) the rating authority for the area in which the hereditament in question is situated, when that authority is not the appellant; and
 - (e) in the case of an appeal against an objection, the objector,
 where he is not one of the persons aforesaid, shall be entitled to appear and be heard as parties to the appeal and to examine any witness before the court and to call witnesses.
- (4) After hearing the persons mentioned in the last, preceding subsection, or such of them as desire to be heard, the local valuation court shall give such directions with respect to the manner in which the hereditament in question is to be treated in the valuation first as appear to them to be necessary to give effect to the contention of the appellant if and so far as that contention appears to the court to be well founded, and the valuation

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

officer shall incorporate in the list as settled, or, as the case may be, cause to be made in the list, such alterations as are necessary to give effect to those directions.

49 Appeal to county court.

- (1) Any person who, in pursuance of the last preceding section, appeared before a local valuation court on the hearing of an appeal and is aggrieved by the decision of the court thereon may, within twenty-one days from the date of the decision, appeal to the county court for the county court district in which the hereditament in question is situated, or, where the hereditament extends into more than one county court district, to the county court for any one of the county court districts in which any part of the hereditament is situated, and the court, after hearing such of the persons as appeared as aforesaid as desire to be heard, may give any directions which the local valuation court might have given.
- (2) The Lord Chancellor may by order—
 - (a) combine two or more county court districts for the purposes of this section or direct that the whole or any part of a county court district shall for those purposes be deemed to be included in another county court district ;
 - (b) where he combines two or more county court districts as aforesaid, make such provision as he thinks fit as to the judge who is to exercise the jurisdiction conferred by this section with respect to the combined districts, and as to the place at which the court for the combined districts is to be held.

Any order made under this subsection may contain such consequential and incidental provisions as appear to the Lord Chancellor to be necessary or expedient and may be revoked or varied by a subsequent order.

- (3) The Minister may by regulations provide, in relation to hereditaments the value of which is or may be ascertained by reference to accounts, receipts or profits of an undertaking carried on thereon, that jurisdiction under this section shall, to such extent as may be specified in the regulations, be exercised, as respects all or any of the hereditaments occupied for the purposes of the undertaking, by such one of the county courts within whose districts any of those hereditaments are situated as may be specified by or under the regulations.
- (4) In any proceedings under this section, the power of a judge, under subsection (1) of section eighty-eight of the County Courts Act, 1934, to summon one or more persons to act as assessors may be exercised notwithstanding that no application is made in that behalf by any party to the proceedings.

50 Arbitration.

- (1) Notwithstanding anything in the preceding provisions of this Part of this Act, the persons who would be entitled to appear and be heard before any local valuation court or any county court may by agreement in writing agree to refer to arbitration any matter which would but for the agreement fall to be heard or determined by that local valuation court or county court, and the matter shall be referred to arbitration accordingly.
- (2) The Arbitration Acts, 1889 to 1934, shall apply to any such arbitration.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) The award in any such arbitration may include any directions which might under this Part of this Act have been given by the local valuation court or county court and effect shall be given to those directions as if they had been given by that court.