

1967 No. 637

RATING AND VALUATION

The Mixed Hereditaments (Certificate) Regulations 1967

<i>Made</i> - - -	21st April 1967
<i>Laid before Parliament</i>	27th April 1967
<i>Coming into Operation</i>	3rd May 1967

The Minister of Housing and Local Government, in exercise of his powers under section 48(6) of the General Rate Act 1967(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Mixed Hereditaments (Certificate) Regulations 1967 and shall come into operation on 3rd May 1967.

Interpretation

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

(2) Any reference in these regulations to a numbered section shall, unless the reference is to a section of a specified Act, be construed as a reference to the section bearing that number in the General Rate Act 1967.

(3) In these regulations—

“certificate” means a certificate given under these regulations that as at the date thereof the proportion of the rateable value of a hereditament specified in the certificate attributable to the part of the hereditament used for the purposes of a private dwelling or private dwellings is, or, as the case may be, is not, greater than the proportion thereof attributable to the part used for other purposes (any part of the hereditament used for the letting of rooms singly for residential purposes, whether by way of a tenancy or licence and either with or without board or other services or facilities, or used as sites for movable dwellings within the meaning of section 269 of the Public Health Act 1936(c) being treated as used for purposes other than those of a private dwelling or private dwellings);

“mixed hereditament” has the meaning assigned to it by section 48(5);

“occupier” includes an owner who is rated under section 55 (Rating of owners instead of occupiers) or who has entered into an agreement with the rating authority under section 56 (Payment or collection of rates by owners by agreement);

(a) 1967 c. 9.

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

(c) 26 Geo. 5. and 1 Edw. 8. c. 49.

"rating authority", in relation to a certificate or an appeal against a certificate, means the rating authority for the area in which the hereditament specified in the certificate is situated.

Application for and giving of a certificate

3.—(1) The occupier of any hereditament who is dissatisfied by the refusal of the rating authority to treat the hereditament as a mixed hereditament for the purposes of section 48 (Reduction of rates on dwellings by reference to domestic element of rate support grants) may apply in writing to the valuation officer for a certificate.

(2) For the purposes of the foregoing paragraph of this regulation, a rating authority shall be deemed to have refused to treat a hereditament as a mixed hereditament for the purposes of section 48 if, within 28 days of a written representation by the occupier that a hereditament is a mixed hereditament, they fail either to notify him in writing that the hereditament appears to them to be a mixed hereditament or to issue in respect of the hereditament an amended demand note reducing in accordance with section 48(1)(b) the amount of the rate levied on the hereditament.

4.—(1) Subject to the next following paragraph of this regulation, the valuation officer, if he is satisfied that the hereditament is used partly for the purposes of a private dwelling or private dwellings and partly for other purposes, shall, as soon as practicable after receiving an application under paragraph (1) of the last foregoing regulation, give a certificate to the applicant.

(2) If, when the valuation officer receives an application for a certificate, there is an outstanding proposal for the alteration of the valuation list so far as it relates to the hereditament which is the subject matter of the application, he may, if he thinks fit, defer the giving of a certificate until the proposal has been settled.

(3) The valuation officer shall, within 7 days after the date of giving a certificate to the applicant, send a copy thereof to the rating authority.

(4) When giving a certificate to the applicant or sending a copy thereof to the rating authority in accordance with the foregoing paragraphs of this regulation, the valuation officer shall send with the certificate or copy thereof, as the case may be, a statement in writing of the right of objection conferred by these regulations.

Appeal against a certificate

5. The applicant or the rating authority, may, within 28 days from the date on which the valuation officer has given the certificate to the applicant or, in the case of the rating authority, has sent a copy of the certificate to the authority, notify the valuation officer in writing of objection to the certificate.

6.—(1) Where an objection is notified to the valuation officer under the last preceding regulation and has not been withdrawn and the certificate is not withdrawn, the valuation officer shall, within four months of the date on which he gave the certificate to the applicant, send a copy of the certificate and of the objection thereto to the clerk to the local valuation panel constituted under section 88 from the members of which a local valuation court would fall to be constituted for the purposes of an appeal against an objection to a proposal for the alteration of the valuation list in respect of the hereditament specified in the certificate.

(2) Where, under the foregoing paragraph of this regulation, the valuation officer sends a copy of a certificate to the clerk to the local valuation panel, the valuation officer shall forthwith notify the applicant and the rating authority in writing that he has done so.

(3) The sending by the valuation officer of a copy of a certificate to the clerk to a local valuation panel under paragraph (1) of this regulation shall have effect as an appeal to the local valuation court by the valuation officer against the objection a copy of which is sent with the copy of the certificate.

(4) Where the date referred to in paragraph (1) of this regulation falls before the first anniversary of the coming into force of the valuation list current at that date, that paragraph shall have effect as if for the words "four months" there were substituted the words "six months".

7.—(1) Subsections (1) and (2) of section 76 (which relate to convening and procedure of local valuation courts for appeals against objections to proposals) shall apply in respect of an appeal under these regulations as if the appeal were an appeal against an objection to a proposal to alter the valuation list in respect of the hereditament specified in the certificate.

(2) On the hearing of an appeal to a local valuation court under these regulations—

- (a) the applicant; and
- (b) the rating authority; and
- (c) the valuation officer

shall be entitled to appear and be heard as parties to the appeal and examine any witness before the court and to call witnesses.

(3) After hearing the persons mentioned in the last foregoing paragraph of this regulation, or such of them as desire to be heard, the local valuation court may confirm the certificate or cancel the certificate given by the valuation officer and give the applicant a certificate to the opposite effect and copies thereof to the rating authority and the valuation officer.

8.—(1) Any person who, in pursuance of the last foregoing regulation, appears before a local valuation court on the hearing of an appeal and is aggrieved by the decision of the court thereon may appeal to the Lands Tribunal and section 77 shall (subject to the provisions of this regulation) apply in respect of such an appeal.

(2) The Lands Tribunal, on hearing an appeal under section 77 as applied by the foregoing paragraph of this regulation, may confirm the certificate given by the valuation officer or the local valuation court, as the case may be, or cancel that certificate and give the applicant a certificate to the opposite effect and copies thereof to the rating authority and the valuation officer.

Withdrawal of a certificate

9.—(1) The valuation officer may, at any time before a certificate given by him under regulation 4(1) of these regulations has come into force, withdraw the certificate by giving notice in writing to the applicant and give a fresh certificate (hereinafter in this regulation called "the revised certificate").

(2) The valuation officer shall send with the notice of withdrawal the revised certificate and within 7 days after so doing shall send a copy of the notice of withdrawal and of the revised certificate to the rating authority.

(3) Regulation 4(4) and regulations 5 to 8 of these regulations shall apply to the revised certificate as they apply to a certificate given under regulation 4(1).

Operation and effect of a certificate

10.—(1) If no objection is notified to the valuation officer within the period specified in regulation 5 of these regulations or if any objection so notified is subsequently withdrawn, a certificate shall thereupon come into force.

(2) If the foregoing paragraph of this regulation does not apply, a certificate shall come into force on the date on which the appeal is finally determined.

(3) For the purposes of the last foregoing paragraph of this regulation the withdrawal of an appeal shall be deemed to be the final determination thereof.

11.—(1) Subject to the following paragraph of this regulation, a certificate, while it is in force, shall be conclusive according to its tenor for the purposes of section 48 as from the date on which the application which has resulted in the giving of the certificate was made to the valuation officer.

(2) On the coming into force of a certificate applied for under regulation 13(1) of these regulations which is to the opposite effect to the certificate in force immediately before that date, the further certificate and not the certificate which it replaces shall be conclusive according to its tenor for the purposes of section 48 for the period from the date of the making of the application for the further certificate to the date on which that certificate comes into force.

12.—(1) A certificate shall cease to be in force when any of the following occurs—

- (a) another certificate comes into force in relation to the hereditament; or
- (b) the person who was the occupier of the hereditament when the certificate came into force (other than an owner rated under section 55 or who has entered into an agreement with the rating authority under section 56) ceases to occupy the hereditament; or
- (c) the hereditament becomes a dwelling-house; or
- (d) the use of the hereditament changes so that no part thereof is used as a private dwelling or private dwellings; or
- (e) the valuation officer causes the valuation list to be altered in respect of the hereditament specified in the certificate; or
- (f) the valuation list ceases to be in force.

(2) Without prejudice to the operation of the foregoing paragraph of this regulation, where a certificate is in force in relation to a hereditament and there is a change in the circumstances relating to the use of the hereditament which is relevant to the tenor of the certificate, the rating authority and the occupier may agree in writing that as from a date specified in the agreement the certificate shall cease or shall have ceased to be in force.

Application for further certificate

13.—(1) At any time while a certificate is in force, the occupier of the hereditament specified therein or the rating authority may apply in writing to the valuation officer for a further certificate, stating the circumstances by reason of which it is considered that the existing certificate should cease to have effect.

(2) The valuation officer, within 28 days of receiving an application under the foregoing paragraph of this regulation, shall give notice thereof to the rating authority (if the applicant is the occupier) or to the occupier (if the applicant is the rating authority).

(3) As soon as practicable after giving notice to the rating authority or the occupier, as the case may be, under the last foregoing paragraph, the valuation officer, if he is satisfied that the hereditament is used partly for the purposes of a private dwelling or private dwellings and partly for other purposes, shall give a certificate to the applicant and within 7 days after the date of so doing shall send a copy of the certificate to the rating authority (if the occupier is the applicant) or to the occupier (if the rating authority is the applicant).

(4) Regulations 4(4) and 5 to 8 of these regulations shall apply to a certificate given under the last foregoing paragraph as they apply to a certificate given under regulation 4(1) subject, in a case where the application under paragraph (1) of this regulation is made by the rating authority, to the substitution for references to the rating authority of references to the occupier.

Supplementary

14. Any officer of a rating authority, acting under any special or general resolution of the authority, may authorise the institution or carrying on of any proceedings or the taking of any step in relation to a certificate which the authority are authorised to institute, carry on or take.

15. Subsections (2) to (6) of section 82 (Power for valuation officer to call for returns) shall apply for the purposes of these regulations as if the references in the said subsection (2) to a proposal for the alteration of the valuation list for the time being in force for a rating area were references to the giving or withdrawal of a certificate and as if the reference to the purpose of enabling a valuation officer to decide whether or not to make, or, as the case may be, to object to, the proposal were a reference to the purposes of enabling the valuation officer to decide whether or not to give or, as the case may be, to withdraw, a certificate or of enabling him to decide in what terms to give a certificate.

16. Section 86 (Powers of entry of valuation officer) shall apply for the purposes of these regulations as if, for the reference to entering on, surveying and valuing any hereditament, there were substituted a reference to entering on and surveying any hereditament and valuing any part or parts of that hereditament.

Given under the official seal of the Minister of Housing and Local Government on 21st April 1967.

(L.S.)

Anthony Greenwood,
Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 48 of the General Rate Act 1967 provides for the reduction of the rate poundage on dwellings by reference to the domestic element of rate support grants under the Local Government Act 1966. The section also provides that there shall be a similar reduction for mixed hereditaments but of one half (disregarding any halfpenny) of the amount of the reduction made for dwellings. A mixed hereditament in this connection is one where part only of the premises is used for private dwelling purposes and the proportion of the rateable value attributable to that part is greater than the proportion attributable to the part used for other purposes. These regulations provide for the determination of disputes between rating authorities and ratepayers as to which of those proportions is the greater. The procedure, which consists of the giving of a certificate by the valuation officer with a right of appeal to the local valuation court and to the Lands Tribunal, follows the provisions of Part V of the Act of 1967 dealing with proposals for the alteration of the valuation list.