STATUTORY INSTRUMENTS

2009 No. 2268

The Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009

PART 5

MISCELLANEOUS AND GENERAL

Notices

22.—(1) Without prejudice to section 233 of the Local Government Act 1972(**1**) (service of notice by local authorities) and paragraph (2), and subject to paragraphs (3) and (4), any notice required by any provision of these Regulations to be given or served may be given or served—

(a) by delivering it—

(i) to the person ("X") to whom it is to be given or on whom it is to be served; or

(ii) to any other person authorised by X to act as X's agent for the purpose;

(b) by sending it to X or X's agent by electronic communication;

(c) by leaving it at or forwarding it by post to—

(i) X's usual or last-known place of business, or

(ii) in the case of a company, its registered office, or

(iii) the usual or last-known place of business or registered office of any other person authorised as mentioned in sub-paragraph (a)(ii);

(d) by delivering it to some person on the premises to which it relates or, if there is no person on the premises to whom it can so be delivered, by fixing it to some conspicuous part of the premises;

(e) without prejudice to the foregoing provisions of this regulation, where a hereditament to which the notice relates is a place of business of the person on whom it is to be served, by leaving it at, or forwarding it by post addressed to that person at, that place of business.

(2) Where any notice which is to be given to or served on a person is to be given or served by or on behalf of the Common Council or by an officer of the Common Council, it may be given or served in any manner in which it might be given or served under section 233 of the Local Government Act 1972 if the Common Council were a local authority within the meaning of that section.

(3) Any notice to be served on the owner or occupier of any premises may be addressed by the description "owner" or "occupier" of the premises, without further name or description.

(4) Any notice to be given to or served on a VO may be given or served by—

(a) addressing the notice to the VO for the area in question, without further description; and

(b) delivering it or sending it to the VO's office by post or electronic communication.

(5) In this regulation—

(**1**) 1972 c.70, to which there are amendments not relevant to these Regulations.

(a) "electronic communication" as the meaning given by section 15(1) of the Electronic Communications Act 2000(**2**);

(b) any reference to a notice includes a reference to a proposal and any other document required or authorised to be given or served;

(c) any reference to such requirement or authorisation is to a requirement or authorisation under these Regulations; and

(d) any notice sent by the means described in paragraph (1)(b) shall be regarded as sent when it is received in a legible form.

Retention of records by VOs

23.—(1) Before altering an entry in a local list or the central list, the VO or, as the case may be, the CVO shall ensure that a record (which need not be in documentary form) is made of the entry.

(2) Subject to paragraph (3), a record made under paragraph (1) shall be retained until the expiry of six years beginning on the day on which the next list is compiled.

(3) A record in relation to a local list compiled on 1st April 1995 shall be retained until 31st March 2016.

Information to be supplied by relevant authorities

24.—(1) Information of the description set out in paragraph (2) is prescribed for the purposes of paragraph 6(1A) of Schedule 9 to the Act.

(2) In relation to any property of a description mentioned in paragraph (3), the information is—

(a) the address of the property;

(b) the nature of the event by reason of which, in the opinion of the relevant authority, the local list is required to be altered;

(c) the day from which, in the opinion of the relevant authority, such alteration should have effect; and

(d) if the property is shown in a local list, any reference number ascribed to it in that list.

(3) The property referred to in paragraph (2), in relation to a relevant authority, is any non-domestic property in the authority's area—

(a) which, in the authority's opinion, is property which is or may become liable to a rate; and

(b) in relation to which—

(i) there is no entry in the local list; or

(ii) in the authority's opinion any entry in such a list requires to be altered.

(4) The information required by this regulation must be supplied as soon as is reasonably practicable after it comes to the attention of the relevant authority.

Revocation, savings and transitional provision

25.—(1) Subject to paragraphs (2) and (3), the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 2005(**3**) and the Non-Domestic Rating (Alteration of Lists and Appeals) (England) (Amendment) Regulations 2006 are revoked.

(2) Regulation 44 of the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 2005 (revocation, savings and transitional provision) shall continue to have effect but, in so far as

(**2**) 2000 c.7.
(**3**) S.I. 2005/659, amended by S.I. 2006/2312.

it relates to the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993(**4**), shall have effect as mentioned in paragraph (4) below.

(3) Anything done under the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 2005 before 1st October 2009 shall be treated, so far as is required for continuing its effect on and after that date, as if it had been done under the equivalent provision of these Regulations or the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009.

(4) Subject to paragraph (5), the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993(**5**) are revoked.

(5) The Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993 shall continue to have effect for the purposes of, and for purposes connected with—

(a) any alteration of a list compiled before 1st April 2005;

(b) any provision made by regulations under section 58 of the 1988 Act (special provision for 1995 onwards) as to the chargeable amount as regards a hereditament for a relevant period, as defined in that section, ending before 1st April 2005; or

(c) any appeal made under regulation 19 of the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2004(**6**) after 31st March 1993 and before 1st April 2005

and shall be treated for those purposes as if made under Schedule 11 as amended by the Local Government and Public Involvement in Health Act 2007, subject to the modifications set out in the Schedule to these Regulations.

(**4**) S.I. 1993/291, which were revoked, with savings, by regulation 44(1) of S.I. 2005/659.
(**5**) S.I. 1993/291, which were revoked, with savings, by regulation 44(1) of S.I. 2005/659.
(**6**) S.I. 2004/3279.