
WELSH STATUTORY INSTRUMENTS

2005 No. 758

The Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005

PART 2

Alteration of Local Rating Lists

Circumstances in which proposals may be made

- 4.—(1) The grounds for making a proposal to alter a list are as follows —
- (a) the rateable value shown in the list for a hereditament was inaccurate on the day the list was compiled;
 - (b) the rateable value shown in the list for a hereditament is inaccurate by reason of a material change of circumstances which occurred on or after the day on which the list was compiled;
 - (c) the rateable value shown in the list for a hereditament is inaccurate by reason of an amendment to the classes of plant and machinery set out in the Schedule to the Valuation for Rating (Plant and Machinery) (Wales) Regulations 2000⁽¹⁾ which comes into force on or after the day on which the list was compiled;
 - (d) the rateable value shown in the list for a hereditament by reason of an alteration made by a valuation officer is or has been inaccurate;
 - (e) the rateable value or any other information shown in the list for a hereditament is shown, by reason of a decision in relation to another hereditament of a valuation tribunal, the Lands Tribunal or a court determining an appeal or application for review from a valuation tribunal or the Lands Tribunal, to be or to have been inaccurate;
 - (f) the day from which an alteration is shown in the list as having effect is wrong;
 - (g) a hereditament not shown in the list ought to be shown in that list;
 - (h) a hereditament shown in the list ought not to be shown in that list;
 - (i) the list should show that some part of a hereditament which is shown in the list is domestic property or is exempt from non-domestic rating but does not do so;
 - (j) the list should not show that some part of a hereditament which is shown in the list is domestic property or is exempt from non-domestic rating but does so;
 - (k) property which is shown in the list as more than one hereditament ought to be shown as one or more different hereditaments;
 - (l) property which is shown in the list as one hereditament ought to be shown as more than one hereditament;
 - (m) the address shown in the list for a hereditament is wrong;
 - (n) the description shown in the list for a hereditament is wrong; and

⁽¹⁾ S.I.2000/1097 (W.75).

- (o) any statement required to be made about the hereditament under section 42 of the Act has been omitted from the list.
- (2) Subject to paragraph (3) —
 - (a) an interested person may make a proposal where that person has reason to believe that one of the grounds set out in paragraph (1) exists;
 - (b) a relevant authority may make a proposal where it has reason to believe that one of the grounds set out in paragraph (1)(b), (e) and (g) to (j) exists; and
 - (c) a person who is not an interested person may make a proposal where that person has reason to believe that one of the grounds set out in paragraph (1)(c), (d) or (f) exists if that person was an interested person at any time during which the alteration or amendment in question had effect.
- (3) No proposal may be made —
 - (a) by reference to more than one ground unless, for each of the grounds relied upon, the material day and the effective date are the same;
 - (b) by an interested person, where —
 - (i) that person (or a person having a qualifying connection with that person) has made a proposal to alter the same list in relation to the same hereditament on the same ground and arising from the same event;
 - (ii) a proposal to alter the list in relation to the same hereditament and arising from the same facts has been made by another person (excluding a person having a qualifying connection with the interested person) and has been considered and determined by a valuation tribunal (otherwise than as mentioned in regulation 30(4)) or, on appeal under regulation 37, by the Lands Tribunal;
 - (c) on the ground set out in paragraph (1)(d), to the extent that the alteration in question gives effect to the decision of a valuation tribunal, the Lands Tribunal or a court determining an appeal or an application for a review from a valuation tribunal or Lands Tribunal in relation to the hereditament concerned.
- (4) In paragraph (3) —
 - (a) “effective date” means the day from which the alteration, if made, would have effect in pursuance of this Part;
 - (b) “event” means the compilation of the list, a material change of circumstances or an alteration of the list by the valuation officer; and
 - (c) “material day”, in relation to a hereditament, is the day determined by the rules in regulations under paragraph 2(6A) of Schedule 6 to the Act(2).

(2) Paragraph 2(6A) was inserted by paragraph 38 of Schedule 5 to the Local Government and Housing Act 1989 (c. 42) and substituted by paragraph 4 of Schedule 10 to the Local Government Finance Act 1992 (c. 14).