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WELSH STATUTORY INSTRUMENTS

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**2005 No. 758**

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

**PART 2**

Alteration of Local Rating Lists

**Invalid proposals**

**8.—**(1) Where the valuation officer is of the opinion that a proposal has not been validly made, the valuation officer may within four weeks of its service on the valuation officer serve notice (an “invalidity notice”) on the proposer that the valuation officer is of that opinion, and stating —

- (a) the reasons for that opinion, and
- (b) the effect of paragraphs (3) to (6).

(2) The valuation officer may at any time withdraw an invalidity notice by serving notice in writing on the proposer; and on such withdrawal any appeal against the invalidity notice shall be treated as having been withdrawn.

(3) Unless an invalidity notice has been withdrawn in accordance with paragraph (2), the proposer may, within four weeks of its service on him,

- (a) subject to paragraph (4), make a further proposal in relation to the same property, notwithstanding the previous expiry of any period applicable under regulation 5, or
- (b) appeal against the notice to the relevant valuation tribunal.

(4) No proposal may be made under paragraph (3)(a) where the proposal to which the invalidity notice relates was made —

- (a) under paragraph (3)(a); or
- (b) after the expiry of any period applicable under regulation 5.

(5) Where a proposal is made under paragraph (3)(a), the proposal in respect of which the invalidity notice was served shall be treated as withdrawn.

(6) An appeal against an invalidity notice shall be initiated by serving notice of disagreement on the valuation officer.

(7) Unless the valuation officer withdraws the invalidity notice within four weeks of the service of the notice under paragraph (6), on the expiry of that period the valuation officer must inform the clerk of the relevant valuation tribunal of —

- (a) the entry in the list (if any) which it is proposed to alter;
- (b) the grounds on which the proposal was made; and
- (c) the reasons for the valuation officer’s opinion that the proposal has not been validly made.

(8) Where information relating to an invalidity notice has been supplied in accordance with paragraph (7) and the notice is withdrawn, the valuation officer must, as soon as practicable, inform the clerk of the relevant valuation tribunal of the withdrawal.

(9) Until it is finally decided that the proposal to which an invalidity notice relates was validly made, regulations 9 to 13 shall not apply in relation to the proposal; and where it is finally decided as so mentioned, those regulations shall have effect as if the proposal had been served on the valuation officer on the date of that final decision.

(10) For the purposes of paragraph (9), a final decision is made —

(a) where the invalidity notice is withdrawn, on the day of the withdrawal;

(b) in any other case, on the day on which —

(i) the valuation tribunal having determined the appeal, the period within which an appeal may be made to the Lands Tribunal under regulation 37 expires without such an appeal being made; or

(ii) the Lands Tribunal gives a decision on appeal under regulation 37.

(11) Nothing done under this regulation shall be construed as preventing any party to an appeal under regulation 13 from contending for the purposes of that appeal that the proposal to which the appeal relates was not validly made.