

SCHEDULE 2

AMENDMENTS TO RATING AND LAND DRAINAGE LEGISLATION

PART I

rating appeals

1. The enactments and instruments mentioned in Table 1 shall be amended as indicated in that Table.

TABLE 1

GENERAL RATE ACT 1967(1)

(1) <i>Provision</i>	(2) <i>Words to be replaced</i>	(3) <i>Words substituted</i>
section 70(5)	“the clerk to the local valuation panel”	“the clerk of the valuation and community charge tribunal”
section 72(1)	“any appeal to a local valuation court”	“any appeal to a valuation and community charge tribunal”
section 73(1) section 74(2)	from “the clerk” to “constituted” where second occurring	“the clerk of the valuation and community charge tribunal having jurisdiction in relation to the hereditament in question in accordance with regulations under Schedule 11 to the Local Government Finance Act 1988”
section 73(2)(b) section 74(3)	} “appeal to a local valuation court”	“appeal to a valuation and community charge tribunal”
section 83(9)		
section 74(3)	“the clerk to a local valuation panel”	“the clerk of a valuation and community charge tribunal”
section 75(b)	“the clerk of a local valuation panel”	“the clerk of a valuation and community charge tribunal”
section 76(1)	The whole subsection	“Where a copy of a proposal is transmitted to the clerk of a valuation and community charge tribunal and by virtue of section 73(2), 74(3) or 75 of this Act that transmission has effect as an appeal to the tribunal against an objection to the proposal, it shall be

(1)

c.9. Sections 70 to 76 were amended by the Rates Act 1984 (c. 33), Schedule 1 paragraphs 12 to 18, with effect as provided in paragraph 19.

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(1) <i>Provision</i>	(2) <i>Words to be replaced</i>	(3) <i>Words substituted</i>
section 76(2)	The whole subsection	<p>the duty of the president of that tribunal to make arrangements for the appeal to be determined.”</p> <p>“(2) The procedure of a valuation and community charge tribunal shall, subject to the Rating Appeals (Local Valuation Courts) Regulations 1956 and to this section, be such as the tribunal may determine; and unless subsection (2A) of this subsection applies, the tribunal</p> <p>(a) shall sit in public, unless the tribunal otherwise orders on the application of any party to the appeal and upon being satisfied that the interests of that party would be prejudicially affected and</p> <p>(b) may take evidence on oath and shall have power to administer oaths.</p> <p>(2A) This subsection applies where all the parties who would be entitled to appear as provided in subsection (4) of this section have agreed that the appeal shall be determined on the basis of written representations.</p> <p>(2B) Where subsection (2A) applies, subsection (4) shall not apply, and the appeal shall be determined by a valuation and community charge tribunal constituted as provided in section 88(5) of this Act on the basis of any representations submitted in writing by the parties.”</p>
section 76(3)	From the beginning to “may hear and determine”	“Where, by virtue of section 75 of this Act, the transmission of

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(1) <i>Provision</i>	(2) <i>Words to be replaced</i>	(3) <i>Words substituted</i>
		a copy of a proposal relating to any hereditament has effect as an appeal to a valuation and community charge tribunal, the tribunal may determine”
	“the court shall not hear the first-mentioned appeal”	“the tribunal shall not determine the first-mentioned appeal”
section 76(4)	“an appeal to a local valuation court”	“an appeal to a valuation and community charge tribunal”
	“any witness before the court”	“any witness before the tribunal”
section 76(5)	from “after hearing” to “shall give such directions”	“after considering the written representations of the parties mentioned in subsection (4) of this section, or such of them wish to make representations, or, as the case may be, hearing them or such of them as desire to be heard, the tribunal shall give such directions”
	“that contention appears to the court”	“that contention appears to the tribunal”
section 77	From the beginning to “the decision of the court”	“Any person who in pursuance of section 76 of this Act appears before a valuation and community charge tribunal on the hearing of an appeal, or any person who made representations in an appeal determined on the basis of written representations, who is aggrieved by the decision of the tribunal”
	“such of the persons as appeared”	“such of the persons as appeared or made representations”
	“any directions which the local valuation court might have given”	“any directions which the tribunal might have given”
section 78(1)	“before a local valuation court”	“before a valuation and community charge tribunal”
	“heard or determined by such a court”	“heard or determined by such a tribunal”

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(1) <i>Provision</i>	(2) <i>Words to be replaced</i>	(3) <i>Words substituted</i>
section 78(3)	“given by the local valuation court”	“given by the tribunal”
section 83(5)(b)	“to produce to him at the hearing”	“to produce to him at any hearing”
section 83(6)	“the court or tribunal”	“the tribunal”
section 83(7)	“proceedings before a court”	“proceedings before a tribunal”
section 83(8)	} “a local valuation court”	“a valuation and community charge tribunal”
section 83(9)		
section 88	The whole section	<p>“(5) Subject to subsection (6) of this section, the tribunal as constituted to hear or determine an appeal shall consist of–</p> <p>(a) a chairman appointed as provided by regulations for the time being in force under Schedule 11 to the Local Government Finance Act 1988, and</p> <p>(b) two other members of the tribunal.</p> <p>(6) With the consent of all the persons appearing before a tribunal on the hearing of an appeal, the appeal may be heard and determined by any two of the persons mentioned in subsection (5) of this section; but if the members of a tribunal so constituted are unable to agree on a decision, the appeal shall be reheard by a differently constituted tribunal.”</p>
section 93(1)	“a local valuation panel or local valuation court”	“a valuation and community charge tribunal”
section 108(1)(c)	“any local valuation court”	“any local valuation court or valuation and community charge tribunal”
LOCAL GOVERNMENT ACT 1974(2)		
section 21(3)	“the court or arbitrator”	“the tribunal or arbitrator”

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(1) <i>Provision</i>	(2) <i>Words to be replaced</i>	(3) <i>Words substituted</i>
RATING (DISABLED PERSONS) ACT 1978(3)		
section 2(5B) Schedule 1 paragraph 11(2)	} from “may appeal” to “the court may”	“may appeal to the valuation and community charge tribunal by sending a notice in writing to the clerk of the tribunal having jurisdiction in relation to the hereditament in question in accordance with regulations under Schedule 11 to the Local Government Finance Act 1988; and the tribunal may”
section 2(5C)	The whole subsection	“Section 76(2) to (2B) and (4) and section 77 of the said Act of 1967 (procedure of valuation and community charge tribunal and right of appeal to Lands Tribunal) shall, with the necessary modifications, apply to the proceedings and jurisdiction of a valuation and community charge tribunal under this section.”
Schedule 1 paragraph 11(3)	The whole sub-paragraph	“Section 76(2) to (2B) and (4) and section 77 of the said Act of 1967 (procedure of valuation and community charge tribunal and right of appeal to Lands Tribunal) shall, with the necessary modifications, apply to the proceedings and jurisdiction of a valuation and community charge tribunal under this paragraph.”
RATING APPEALS (LOCAL VALUATION COURTS) REGULATIONS 1956(4)		
regulation 2	the definition of “court”	““tribunal”, unless the context otherwise requires, means the members of a valuation and community charge tribunal appointed in pursuance of regulations under Schedule 11 to the Local Government Finance Act 1988 to determine an appeal”

(3) 1978 c. 40, as amended by paragraph 22 of Schedule 1 to the Rates Act 1984 (c. 33).

(4) S.I.1956/632.

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(1) <i>Provision</i>	(2) <i>Words to be replaced</i>	(3) <i>Words substituted</i>
	the definition of “chairman”	““chairman” means the person presiding at a sitting of a tribunal”
	the definition of “the clerk”	““the clerk” means the clerk of the valuation and community charge tribunal from which the tribunal to determine the appeal is constituted”
	the definition of “party”	““party” means a person who appears or is entitled to appear at the hearing of the appeal, or who would have been so entitled had he not agreed that the appeal should be determined by written representations.”
regulation 3	“The court to hear and determine”	“The tribunal to determine”
	“or to hear and determine”	“or to determine”
	“that local valuation panel”	“that valuation and community charge tribunal”
	“the area of any other local valuation panel”	“the area of any other such tribunal”
	“the appeal shall be heard and determined by a court consisting of members of such one of the panels”	“the appeal shall be determined by such one of the tribunals”
regulation 4	“fixed for the hearing of an appeal”	“fixed for any hearing of an appeal”
	“a court will sit”	“a tribunal will sit”
	“the offices of the local valuation panel”	“the office of the valuation and community charge tribunal”
regulation 5	“no member of the local valuation panel from which the court is constituted”	“no member of the valuation and community charge tribunal hearing the appeal”
regulations 6 to 9	} “the court”	“the tribunal”
regulation 10(2) and (3)		
regulation 11		
regulation 12		
regulation 10(1)	from “the decision of the majority” to the end of the paragraph	“the decision of the majority of the members of the tribunal

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(1) <i>Provision</i>	(2) <i>Words to be replaced</i>	(3) <i>Words substituted</i>
		determining the appeal shall be the decision of the tribunal.”
MIXED HEREDITAMENT (CERTIFICATE) REGULATIONS 1967(5)		
regulation 6(1)	from “to the clerk” to “fall to be constituted”	“to the clerk of the valuation and community charge tribunal which would in accordance with regulations under Schedule 11 to the Local Government Finance Act 1988 have jurisdiction”
regulation 6(2)	“the clerk to the local valuation panel”	“the clerk of a valuation and community charge tribunal”
regulation 6(3)	} “the clerk to the local valuation panel”	“the clerk of a valuation and community charge tribunal”
regulation 6(3)		
regulation 7(1)	The whole paragraph	<p>“(1) Where by virtue of the foregoing regulation the sending of a certificate has effect as an appeal to a valuation and community charge tribunal, it shall be the duty of the president of that tribunal to make arrangements for an appeal under these regulations to be heard and determined.</p> <p>(1A) The procedure of a valuation and community charge tribunal shall, subject to the Rating Appeals (Local Valuation Courts) Regulations 1956 as applied and adapted by the Valuation and Community Charge Tribunals (Transfer of Jurisdiction) Regulations 1989 and to this regulation, be such as the tribunal may determine; and the tribunal—</p> <p>(a) shall sit in public, unless the tribunal otherwise order on the application of any party to the appeal and upon being satisfied that the interests of that party would</p>

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(1) <i>Provision</i>	(2) <i>Words to be replaced</i>	(3) <i>Words substituted</i>
		be prejudicially affected; and (b) may take evidence on oath and shall have power to administer oaths.”
regulation 7(2)	“an appeal to a local valuation court” “any witness before the court”	“an appeal to a valuation and community charge tribunal” “any witness before the tribunal”
regulation 7(3)	“the local valuation court may confirm”	“the tribunal may confirm”
regulation 8(1)	from “who in pursuance of” to “the decision of the court thereon”	“who in pursuance of regulation 7 of these regulations appears before a valuation and community charge tribunal on the hearing of an appeal and is aggrieved by the decision of the tribunal”
regulation 8(2)	“or the local valuation court”	“or the valuation and community charge tribunal”

2. The Local Valuation Panels (Jurisdiction) Regulations 1967(6) shall be amended by the substitution for references to a local valuation panel or a local valuation court of references to a valuation and community charge tribunal.

3.—(1) In the Lands Tribunal Rules 1975(7)–

(a) in rule 2–

(i) in the definitions of “drainage rates appeal” and “rating appeal”, after “local valuation court” there shall be added “or valuation and community charge tribunal”;

(ii) for the definition of “valuation proceedings” there shall be substituted–

““valuation proceedings” means proceedings before a local valuation court or a valuation and community charge tribunal, or proceedings begun before a local valuation court and continued before a valuation and community charge tribunal;”

(b) for the references to a local valuation court in rules 9(1), 37, 42(1) and 54(2), in Form 2 in Schedule 1 and item 6 of Schedule 2 there shall be substituted a reference to a valuation and community charge tribunal.

(2) The amendments made by paragraph (1)(b) shall not have effect in relation to decisions of a local valuation court made before the transfer date.

(6) S.I. 1967/636.

(7) S.I. 1975/299.