
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

FIRST SCHEDULE

Section 2.

AMENDMENT OF SECTION FORTY-ONE OF LOCAL GOVERNMENT ACT, 1948

PART I

Subsections (1) to (3) as amended by this Act

- “(1) Every proposal must—
- (a) be made in writing and, except where it is made by the valuation officer, be served on the valuation officer;
 - (b) specify the grounds on which the proposed alteration is supported;
 - (c) comply with any requirements of any regulations made by the Minister with respect to the form of proposals and otherwise with respect to the making thereof.
- (2) The valuation officer shall, within twenty-eight days after the date on which a proposal is served on him, or within seven days after the date on which a proposal is made by him, as the case may be, transmit a copy thereof, together with a statement in writing of the right of objection conferred by the subsequent provisions of this section, to each of the following persons, not being the maker of the proposal, that is to say—
- (a) the occupier of the hereditament to which the proposal relates; and
 - (b) the rating authority for the area in which the hereditament in question is situated.
- (3) Any of the following persons, that is to say, the owner or occupier of the whole or any part of a hereditament to which a proposal relates or the rating authority for the area in which the hereditament is situated may, within twenty-eight days from the date on which notice is served under subsection (2) of this section on the occupier or, in the case of the rating authority (where they are not the occupier), on the rating authority, serve on the valuation officer notice in writing of objection to the proposal, and the valuation officer shall, within twenty-eight days of the date on which a notice of objection is served on him, transmit a copy thereof to the maker of the proposal.”

PART II

Provisions substituted for subsections (4) to (7)

- “(4) Where in the case of a proposal—
- (a) no notice of objection is served within the time limited by the last preceding subsection, or every such notice is unconditionally withdrawn, and
 - (b) either the proposal was made by the valuation officer or he is satisfied that the proposal is well-founded,

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

the valuation officer shall cause the valuation list to be altered so as to give effect to the proposal.

(5) Where the conditions specified in the last preceding subsection are not fulfilled in the case of a proposal, but—

- (a) all the persons whose agreement is requisite agree on an alteration of the list (whether the alteration is that specified in the proposal or another alteration), and
- (b) the agreement is reached without, or before the determination of, any appeal to a local valuation court, or reference to arbitration, with respect to an objection to the proposal,

the valuation officer shall cause that alteration to be made in the list.

(6) In the case of a proposal to which neither of the two last preceding subsections applies.

- (a) if notice of objection to the proposal has been served and not unconditionally withdrawn, and the proposal is not withdrawn, the valuation officer may, at any time within the period of six months beginning with the relevant date, and shall, not later than the end of that period, transmit a copy of the proposal, and of every notice of objection thereto which has not been unconditionally withdrawn, to the clerk to the appropriate local valuation panel;
- (b) if the proposal was made otherwise than by the valuation officer, he may, at any time within the period of five months beginning with the relevant date, give notice in writing to the person who made the proposal that he objects to the proposal, and that the said person, if he does not withdraw the proposal within fourteen days, will be treated as intending to appeal against the valuation officer's objection to the proposal;
- (c) not less than fourteen nor more than twenty-eight days after the valuation officer has given a notice under the last preceding paragraph, he shall, unless the proposal has then been withdrawn, transmit a copy of the proposal to the clerk to the appropriate local valuation panel, together with a copy of the notice under the last preceding paragraph, and of any notice of objection to the proposal which has been served under subsection (3) of this section and has not been unconditionally withdrawn;
- (d) if at the end of the period of six months beginning with the relevant date the valuation officer has not given a notice under paragraph (b) of this subsection, and no notice of objection under subsection (3) of this section has been served, or every such notice of objection has been unconditionally withdrawn, then the valuation officer shall be taken to be satisfied that the proposal is well-founded, and subsection (4) of this section shall apply accordingly.

(7) Where, in accordance with the last preceding subsection, the valuation officer transmits a copy of a proposal to the clerk to a local valuation panel.—

- (a) he shall forthwith notify the fact that he has done so to the person who made the proposal, to any person who served a notice of objection of which a copy is transmitted with the copy of the proposal, and to the rating authority; and
- (b) the transmission of a copy of a proposal under the last preceding subsection shall have effect as an appeal to a local valuation court, by the person who made the proposal, against every objection (whether of the valuation officer or of any other person) signified by a notice of which a copy is transmitted with the copy of the proposal.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

(8) The persons whose agreement is requisite for the purposes of paragraph (a) of subsection (5) of this section are—

- (a) the valuation officer;
- (b) the person who made the proposal, where the proposal was not made by the valuation officer;
- (c) any person who has served, and has not unconditionally withdrawn, a notice of objection to the proposal;
- (d) the occupier of the hereditament to which the proposal relates, if he is not included by virtue of either of the two last preceding paragraphs; and
- (e) the rating authority (if not included by virtue of any of the preceding paragraphs), unless they have notified the valuation officer that they do not desire to be included by virtue of this paragraph, either generally or as respects a class of hereditaments which includes the hereditament to which the proposal relates;

and for the purposes of subsection (6) of this section the appropriate local valuation panel is the local valuation panel from the members of which the local valuation court which is to hear the appeal falls to be constituted, and the relevant date—

- (i) in the case of a proposal made by the valuation officer, is the date on which the proposal was made, and
- (ii) in the case of any other proposal, is the date on which the proposal was served on the valuation officer.”