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STATUTORY INSTRUMENTS

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**1991 No. 1934**

**RATING AND VALUATION**

**The Domestic Property (Valuation) Regulations 1991**

<i>Made</i>	- - - -	<i>28th August 1991</i>
<i>Laid before Parliament</i>		<i>2nd September 1991</i>
		<i>23rd September</i>
<i>Coming into force</i>	- -	<i>1991</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 3(3) and (7) and 7(2) and (3) of the Local Government Finance and Valuation Act 1991(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Domestic Property (Valuation) Regulations 1991 and shall come into force on 23rd September 1991.

(2) In these Regulations “the Act” means the Local Government Finance and Valuation Act 1991.

**Basis of valuation**

2.—(1) For the purposes of the valuation under section 3 (valuation of domestic properties) of the Act, the value of any domestic property shall be taken to be the amount which, on the assumptions mentioned in paragraph (2) below, the property might reasonably have been expected to realise if it had been sold in the open market by a willing vendor on 1st April 1991.

(2) The assumptions are—

- (a) that the sale was with vacant possession;
- (b) that the interest sold was the freehold or, in the case of a flat, a lease for 99 years at a nominal rent;
- (c) that the property was sold free from any rentcharge or other incumbrance;
- (d) that the size and layout of the property, and the physical state of its locality, were the same as at the time when the valuation of the property is made;
- (e) that the property was in a state of reasonable repair;

- (f) in the case of a property the owner or occupier of which is entitled to use common parts, that those parts were in a like state of repair and the purchaser would be liable to contribute towards the cost of keeping them in such a state;
  - (g) in the case of a property which has a room to which this sub-paragraph applies, that the room was not included in the property;
  - (h) in the case of a property which contains (otherwise than as part of a room which, by virtue of sub-paragraph (g), is assumed not to be included in the property) fixtures to which this sub-paragraph applies, that the fixtures were not included in the property;
  - (i) that the use of the property would be permanently restricted to use as a private dwelling; and
  - (j) that the property had no development value other than value attributable to permitted development.
- (3) Sub-paragraph (g) of paragraph (2) applies to any room of one of the following descriptions, namely, kitchen, bathroom and lavatory, which has features which—
- (a) are substantially different from those of ordinary rooms of the same description; and
  - (b) are designed to make the room suitable for a use by a physically disabled person;
- but nothing in that sub-paragraph shall require it to be assumed that there was not included in any property at least one room of each of those descriptions.
- (4) Sub-paragraph (h) of paragraph (2) applies to any fixtures which—
- (a) are designed to make the property suitable for use by a physically disabled person; and
  - (b) add to the value of the property.
- (5) In paragraph (2) —
- “common parts”, in relation to a property, means any part of a building comprising the property and any land or premises which the owner or occupier of the property is entitled to use in common with the owners or occupiers of other premises in the immediate locality;
- “flat” has the same meaning as in Part V of the Housing Act 1985(2);
- “permitted development” means development—
- (a) for which planning permission is not required; or
  - (b) for which an application for planning permission is not required;
- “rentcharge” has the same meaning as in the Rentcharges Act 1977(3); and
- “state of reasonable repair”, in relation to a property, means such state of repair as might reasonably be expected by a prospective purchaser, having regard to the age and character of the property and its locality.

### **Prescribed areas**

- 3.** The areas for which lists of domestic properties shall be compiled and maintained as mentioned in section 3(3) of the Act are—
- (a) an English district within the meaning of the Local Government Act 1972(4);
  - (b) a Welsh district within the meaning of that Act;
  - (c) a London borough;
  - (d) the area comprising the City of London, the Inner Temple and the Middle Temple; and

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(2) 1985 c. 68.

(3) 1977 c. 30.

(4) 1972 c. 70.

- (e) the Isles of Scilly.

### **Cross-boundary property**

4.—(1) Subject to paragraph (2), where part of any domestic property is situated within an area for which a list falls to be compiled and maintained as mentioned in regulation 3 and part is situated in another such area or areas, the property shall be treated for the purposes of the valuation as situated in the area in which the greater or greatest part of the property, determined in accordance with paragraphs to (7) of this regulation, is situated.

(2) Where, in relation to any domestic property which constitutes part of a hereditament which is a composite hereditament for the purposes of Part III of the Local Government Finance Act 1988<sup>(5)</sup>, parts of the property are situated as mentioned in paragraph (1), the property shall be treated for the purposes of the valuation as situated in the area in which the part of the hereditament which is not domestic property for the purposes of that Part is, or is treated as, situated<sup>(6)</sup>.

(3) The greater or greatest part of any domestic property is to be ascertained by reference to the superficial extent of the structure of which the domestic property consists or which forms part of the domestic property; and for this purpose “structure” does not include any structure not contiguous with the principal structure on the property.

(4) References in this regulation to the superficial extent of any structure (where that structure is not a caravan or a houseboat) are to be treated as references—

- (a) if the lowest floor of the structure is above ground level, to the floor area of the lowest floor measured externally;
- (b) if the whole of the structure is below ground level, to the floor area of its lowest floor measured internally;
- (c) in any other case, to the area of the structure measured externally on a horizontal plane at ground level.

(5) References in this regulation to the superficial extent of a structure, where that structure consists of a caravan, are to be treated as references to its floor area measured externally.

(6) References in this regulation to the superficial extent of a structure, where that structure consists of a houseboat, are to be treated as references to its enclosed volume.

(7) Where no part of the superficial extent of any structure, caravan or houseboat (as the case may be) can reasonably be ascertained, in accordance with paragraphs (3) to (6), to be greater than any other, the part of the structure, caravan or houseboat to be treated as the greater or greatest for the purposes of paragraph (1) shall be determined by agreement between the relevant authorities within whose areas the several parts of that superficial extent are situated or, failing such agreement, by lot between those authorities.

(8) In this regulation—

“caravan” shall be construed in accordance with Part I of the Caravan Sites and Control of Development Act 1960<sup>(7)</sup>;

“ground level” means the highest level of ground contiguous with—

- (a) in the case of a structure where sub-paragraph (b) does not apply, the structure; or
- (b) in the case of a structure which forms part of a larger structure, the larger structure; and

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(5) 1988 c. 41.

(6) For the treatment of cross-boundary hereditaments for the purposes of Part III of the Local Government Finance Act 1988, see regulation 6 of the Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989 (S.I.1989/1060).

(7) 1960 c. 62.

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“relevant authority” means the Common Council of the City of London, a district council, a London borough council, the sub-treasurer of the Inner Temple and the under-treasurer of the Middle Temple.

**Valuation bands**

5. In the lists to be compiled and maintained as mentioned in section 3 of the Act domestic properties shall be differentiated by reference—

- (a) in relation to property situated or treated as situated in England, to such valuation band specified in column 1 of Part I of the Schedule hereto as is applicable to the property by reference to the range of values specified in column 2 of that Schedule; and
- (b) in relation to property situated or treated as situated in Wales, to such valuation band specified in column 1 of Part II of that Schedule as is applicable to the property by reference to the range of values specified in column 2 of that Schedule.

Signed by authority of the Secretary of State

28th August 1991

*Michael Portillo*  
Minister of State,  
Department of the Environment

28th August 1991

*David Hunt*  
Secretary of State for Wales

SCHEDULE

Regulation 5

VALUATION BANDS

PART I  
ENGLAND

1 Valuation band	2 Range of values
A	Not exceeding £40,000
B	Exceeding £40,000 but not exceeding £52,000
C	Exceeding £52,000 but not exceeding £68,000
D	Exceeding £68,000 but not exceeding £88,000
E	Exceeding £88,000 but not exceeding £120,000
F	Exceeding £120,000 but not exceeding £160,000
G	Exceeding £160,000 but not exceeding £320,000
H	Exceeding £320,000

PART II  
WALES

1 Valuation band	2 Range of values
A	Not exceeding £30,000
B	Exceeding £30,000 but not exceeding £39,000
C	Exceeding £39,000 but not exceeding £51,000
D	Exceeding £51,000 but not exceeding £66,000
E	Exceeding £66,000 but not exceeding £90,000
F	Exceeding £90,000 but not exceeding £120,000
G	Exceeding £120,000 but not exceeding £240,000
H	Exceeding £240,000

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations relate to the valuation of domestic properties in England and Wales under section 3 of the Local Government Finance and Valuation Act 1991. The properties that are domestic properties for these purposes are defined in the Schedule to that Act.

Regulation 2 sets out the basis of valuation. The value of any domestic property is to be taken to be the amount which, on the assumptions specified in paragraph (2) of the regulation, it might reasonably have been expected to realise if sold on the open market by a willing vendor on 1st April 1991.

Regulation 3 specifies, as the areas for which lists of domestic properties are to be compiled and maintained, English and Welsh districts, London boroughs, the area comprising the City of London, the Inner Temple and the Middle Temple, and the Isles of Scilly.

Regulation 4 makes provision for treating domestic property which is situated within more than one of the areas for which lists are to be compiled and maintained as situated in only one of those areas.

Regulation 5 makes provision for lists of domestic properties to be compiled by reference to valuation bands. The bands are set out, in relation to domestic property in England, in Part I of the Schedule and, in relation to domestic property in Wales, in Part II of the Schedule.