
STATUTORY INSTRUMENTS

1995 No. 624

The Local Government Changes for England (Community Charge and Council Tax, Valuation and Community Charge Tribunals and Alteration of Lists and Appeals) Regulations 1995

PART III

ALTERATION OF LISTS AND APPEALS

Successor authorities

8.—(1) Anything done by or in relation to an abolished authority under the 1993 Regulations shall be treated on or after the reorganisation date as if it had been done by or in relation to the relevant successor authority.

(2) For the purposes of paragraph (1), anything done by or in relation to the listing officer for the abolished authority shall on or after the reorganisation date be treated as if it had been done by or in relation to the listing officer for the relevant successor authority.

Valuation lists

9.—(1) The definition of the “list” in regulation 2(1) (interpretation) of the 1993 Regulations shall on or after the reorganisation date have effect as if it included a list deposited or altered pursuant to regulation 46(4) of the principal Regulations.

(2) Regulation 5(5)(b) and (6) (circumstances and periods when proposals may be made) of the 1993 Regulations shall on or after the reorganisation date have effect in respect of a transferred property as if the lists of the relinquishing authority prior to that date and of the acquiring authority after that date were the same list.

Change in area

10. In regulations 5(7)(b) and 14(1)(b) (day from which alteration has effect) of the 1993 Regulations, the reference to a change in the area of the billing authority shall include a structural change effected by a section 17 order.

Proposals: relinquishing and acquiring authorities

11.—(1) Where in relation to a transferred property a proposal for an alteration under regulation 5 of the 1993 Regulations is made but not disposed of prior to the reorganisation date, or is made on or after that date, and relates to or affects a preceding year and a subsequent year, the proposal shall be treated on or after the reorganisation date as a proposal to alter the lists of the relinquishing authority and the acquiring authority.

(2) Subject to regulations 12 and 13, where in relation to a transferred property a proposal for an alteration under regulation 5 of the 1993 Regulations is made but not disposed of prior to the reorganisation date or is made on or after that date, on or after the reorganisation date—

- (a) references in the 1993 Regulations to the “billing authority” shall have effect as if they were references to the acquiring authority, and for this purpose anything done by or in relation to the relinquishing authority prior to the reorganisation date in connection with such a proposal shall on or after that date be treated as if it had been done by or in relation to the acquiring authority;
- (b) references in the 1993 Regulations to the “listing officer” shall have effect as if they were references to the listing officer for the acquiring authority, and for this purpose anything done prior to the reorganisation date by or in relation to the listing officer for the relinquishing authority shall, on or after that date, be treated as if it had been done by or in relation to the listing officer for the acquiring authority; and
- (c) references in the 1993 Regulations to the “relevant valuation tribunal” shall have effect as if they were references to the valuation tribunal for the area of the acquiring authority.

Proposals: further provision

12.—(1) Subject to regulation 13 where, in relation to a transferred property, a proposal is made as described in regulation 11(2) which relates to or affects a preceding year, whether or not it also affects a subsequent year, on or after the reorganisation date—

- (a) references in regulations 5(1) and (6), 9(1)(b) (procedure subsequent to the making of proposals), and 34 (notifications by listing officer) of the 1993 Regulations to the “billing authority” shall include the relinquishing authority and the acquiring authority;
- (b) references in the 1993 Regulations to the “listing officer” in relation to anything done by or in relation to the listing officer prior to the reorganisation date shall have effect as if they were references to the listing officer for the relinquishing authority, and for this purpose anything done by or in relation to such a listing officer shall on or after the reorganisation date be treated as if it had been done by or in relation to the listing officer for the acquiring authority;
- (c) references in the 1993 Regulations to the “listing officer” in relation to anything done by or in relation to the listing officer on or after the reorganisation date shall have effect as if they were references to the listing officer for the acquiring authority, except in regulations 10 (proposals agreed by listing officer), 12(1)(a) and (2)(a) (agreed alterations following proposals), 16(2)(a) (interpretation) and 19(1) (withdrawal) of those Regulations where the references shall have effect as if they were references to the listing officers for the relinquishing authority and the acquiring authority, and in regulation 13(1) (disagreement as to proposed alteration) of those Regulations where the reference shall have effect as if it were a reference to the listing officer for the relinquishing authority or the acquiring authority.

(2) For the purposes of paragraph (1), regulation 12(2)(e) of the 1993 Regulations shall apply as if the acquiring authority satisfied condition (i) in that regulation.

Appeals

13. In relation to an appeal under the 1993 Regulations which is to be disposed of by way of written representations or hearing and in respect of which, prior to the reorganisation date, the clerk of a valuation tribunal has served notice on the parties in accordance with regulations 20 (disposal by written representations) or 22 (notice of hearing) of those Regulations, on or after the reorganisation date—

- (a) that tribunal shall be the relevant valuation tribunal in relation to that appeal;
- (b) the relinquishing authority shall be the billing authority which is a party under the 1993 Regulations in relation to the appeal; and

- (c) the listing officer for the relinquishing authority shall be the listing officer under the 1993 Regulations in relation to that appeal.

Parties and notice

14. In relation to a proposal for an alteration as described in regulation 11(1), on or after the reorganisation date—

- (a) subject to regulation 13, the parties to a proposal or an appeal shall include the relinquishing authority and the acquiring authority; and
- (b) the references in regulations 9(1) and 12(1)(a) and (2)(e)(ii) of the 1993 Regulations to a period for service by the listing officer or service on him, as the case may be, shall have effect as if they were references to such a period commencing on the reorganisation date.

Alterations to the list

15. Where a relinquishing and an acquiring authority are in receipt of a list, or notice of the effect of alterations to a list, under regulation 46(1) or (2) of the principal Regulations, during the preliminary period—

- (a) the listing officer for the relinquishing authority shall, within 4 weeks of serving notice of the effect of alterations to the valuation list of the relinquishing authority under regulation 15(1) of the 1993 Regulations (notification of alteration) in relation to a transferred property, notify the listing officer for the acquiring authority;
- (b) the listing officer for the acquiring authority shall as soon as is reasonably practicable after receipt of notice under paragraph (a) serve notice on the acquiring authority of the effect of the alterations; and
- (c) the acquiring authority shall as soon as is reasonably practicable after receipt of notice under paragraph (b) alter the copy of the list deposited at its principal office in accordance with regulation 46(1) of the principal Regulations or the copy of the notice of alterations to a list deposited at its principal office in accordance with regulation 46(2) of those Regulations.

Disqualification from participating

16. The reference in regulation 23(2) (disqualification from participating) of the 1993 Regulations to the area of an authority shall, on or after the reorganisation date and in relation to an appeal which relates to a transferred property, where the appeal relates to a preceding year, whether or not it also relates to a subsequent year, be construed as including the area of the relinquishing authority prior to the reorganisation date.