

Local Government and Public Services Committee Paper

LGPS(2)-01-06(p.3)

Date: 12 January 2006

Venue: Committee Room

Title: Non Domestic Rates (Alteration of Lists and Appeals) (Wales) (Amendment) Regulations 2006

Purpose

1. This paper provides an opportunity for the Committee to scrutinise the Non Domestic Rates (Alteration of Lists and Appeals) (Amendment) (Wales) Regulations 2006, as identified by the Committee on 8th June 2005.

Summary/Recommendations

2. That the committee scrutinise the Regulations and note any issues arising from them.

Background

3. In April 2005, the Non Domestic Rates (Alteration of Lists and Appeals) (Wales) Regulations 2005 came into force. These regulations are intended to improve the appeal system by removing the scope for numerous proposals to be made and removing the limitations on the effective date for appeals. For limitations on the effective date, there is now a longer period in which a ratepayer is eligible to appeal and alterations will now have effect from the day the circumstances giving rise to them first occurred. Just one proposal can be made against the compiled list entry or any subsequent alteration made by a Valuation Officer and limitations over the effective date for appeals were removed. Also those making proposals are required to provide basic rental information.
4. However, there were a number of drafting errors that require correction. These are the basis of the Non Domestic Rates (Alteration of Lists and Appeals) (Amendment) (Wales) Regulations 2005, attached at Annex A. An outline of the corrections are listed below.

In Regulation 8(3) of the 2005 Regulations

After the words "service on him", insert "or her".

In Regulation 13(3)

After the words "supplied to him", insert "or her".

In Regulation 25(7)

For the words "paragraph 6(a)", substitute "paragraph (6)(a)".

In Regulation 26

For the words "a chairman appointed under regulation 8 of the Valuation and Community Charge Tribunals Regulations 1989", substitute "a chairman of the relevant valuation tribunal".

In Regulation 31(4)(a)

After the words "to permit him", insert "or her".

In Regulation 33(4)

For the words "sent to him", substitute "sent to that party".

Revoke regulation 43(1)

The Valuation Tribunals (Wales) Regulations 2005 make provision for the joining together of a number of appeals that relate to the same property. Therefore, there is no need to prescribe for this under the Appeals regulations (see Regulation 28 of the Valuation Tribunals (Wales) Regulations 2005). This regulation can therefore be revoked.

Financial implications

There are no additional financial implications for the Assembly as a result of this matter as any work will be accommodated within existing, and planned, administration costs budgets.

Cross Cutting Themes

5. There are no immediate cross cutting themes, as there are no changes to actual policy. The Regulations merely amend drafting errors.

Action for Subject Committee

6. To note and provide comments on the Regulations.

Sue Essex AM

Minister for Local Government and Public Services.

Contact: Rebecca Perrin, Local Government Finance Division, Ext:5127

NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2006 No. (W.)

RATING AND VALUATION, WALES

**The Non-Domestic Rating (Alterations of Lists and Appeals)
(Amendment) (Wales) Regulations 2006**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Wales only, amend the Non-Domestic Rating (Alterations of Lists and Appeals) (Wales) Regulations 2005. Those Regulations cover the alteration of non-domestic rating lists (which are compiled under the Local Government Finance Act 1988) by valuation officers, proposals for such alterations from other persons and appeals to valuation tribunal where there is disagreement about a proposal between the valuation officer and another person.

The amendments made by these Regulations remove the references to the Valuation and Community Charge Tribunals Regulations 1989 (S.I. 1989/439) which were disappplied to tribunals in Wales by the Valuation Tribunals (Wales) Regulations 1995 (S.I. 1995/3056), and insert gender-neutral provisions where required (Regulation 2).

2006 No. (W.)

RATING AND VALUATION, WALES

**The Non-Domestic Rating (Alterations of Lists and Appeals)
(Amendment) (Wales) Regulations 2006**

Made [] 2006

Coming into force 5 April 2006

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 55(2) to (6) and (7A), 143(1) and (2) of , and paragraph 12 of Schedule 7A and paragraphs 1 and 8 of Schedule 11 to, the Local Government Finance Act 1988(1) and now vested in the National Assembly for Wales, and after consultation with the Council on Tribunals as required by section 8 of the Tribunals and Inquiries Act 1992(2):

Title, application and commencement

1.—(1) The title of these Regulations is the Non-Domestic Rating (Alterations of Lists and Appeals) (Amendment) (Wales) Regulations 2006 and they come into force on 5 April 2006.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) The Non-Domestic Rating (Alterations of Lists and Appeals) (Wales) Regulations 2005(3) are amended as follows.

(2) In regulation 8(3), after the words “service on him”, insert “or her”.

(3) In regulation 13(3), after the words “supplied to him”, insert “or her”.

(4) In regulation 25(7), for the words “paragraph 6(a)”, substitute “paragraph (6)(a)”.

(5) In regulation 26, for the words “ a chairman appointed under regulation 8 of the Valuation and Community Charge Tribunals Regulations 1989”, substitute “a chairman of the relevant valuation tribunal”.

(6) In regulation 31(4)(a), after the words “to permit him”, insert “or her”.

(7) In regulation 33(4), for the words “sent to him”, substitute “sent to that party”.

(8) Regulation 43(1) is revoked.

(1) 1988 c. 41. Section 55(7A) was inserted by paragraph 30(5) of Schedule 5 to the Local Government and Housing Act 1989 (c.42). These powers were devolved, in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), *see* the reference to the Local Government Finance Act 1988 in Schedule 1.

(2) 1992 c.53.

(3) S.I. 2005/758 (W.63).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁴⁾.

Date

The Presiding Officer of the National Assembly

⁽⁴⁾ 1998 c.38.