WELSH STATUTORY INSTRUMENTS

# 2002 No. 1735 (W.165)

# RATING AND VALUATION, WALES

## The Non-Domestic Rating (Alteration of Lists and Appeals) (Amendment) (Wales) Regulations 2002

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| *Made - - - -* | *4th July 2002* |
| *Coming into force - -* | *23rd July 2002* |

The National Assembly for Wales makes the following Regulations in exercise of the powers given to the Secretary of State by sections 55(2), (4) and (6) and 143(1) and (2) of, and paragraphs 10 to 12 of Schedule 7A to, the Local Government Finance Act 1988(**1**) which are now vested in the National Assembly for Wales so far as exercisable in Wales(**2**).

**Name, commencement and application**

**1.**—(1) The name of these Regulations is the Non-Domestic Rating (Alteration of Lists and Appeals) (Amendment) (Wales) Regulations 2002 and they shall come into force on 23rd July 2002.

(2) These Regulations apply to Wales only.

**Amendment of the 1993 Regulations**

**2.** The Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993(**3**) are amended in accordance with the following provisions of these Regulations.

**Circumstances in which proposals may be made**

**3.** In regulation 4A—

(a) in paragraph (1), after sub-paragraph (b) insert—

"(bb) the rateable value shown in the list for a hereditament is inaccurate by reason of an amendment to the classes of plant and machinery set out in the Schedule to the Valuation for Rating (Plant and Machinery) (Wales) Regulations 2000(**4**)

(**1**) 1988 c. 41.
(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
(**3**) S.I. 1993/291; relevant amending instruments are S.I. 1994/1809, 1995/609, 1995/623, 2000/792 (W.29) and 2001/1203 (W.64).
(**4**) S.I. 2000/1097 (W.75) as amended by S.I. 2001/2357 (W.195).

which comes into force on or after the day on which the list was compiled;"; and

(b) in paragraph (4)—

(i) for "either of the grounds set out in sub-paragraph (c) or (e)" substitute "any of the grounds set out in sub-paragraph (bb), (c) or (e)"; and

(ii) for "the alteration in question" substitute "the alteration or amendment in question".

**Periods in which proposals may be made: 2000 and subsequent lists**

**4.** For regulation 4C(2), substitute—

"(2) A proposal on the ground set out in regulation 4A(1)(c) may only be made within six months of either the date of the alteration or the day on which the next list is compiled, whichever is the later.".

**Time from which alteration is to have effect: general**

**5.**—(1) After regulation 13A(4), insert—

"(4A) An alteration made to show in or, as the case may be, to delete from a list any hereditament which, before the list was compiled, came into existence or ceased to exist as a consequence of—

(a) property previously rated as a single hereditament becoming liable to be rated in parts, or

(b) property previously rated in parts becoming liable to be rated as a single hereditament, or

(c) any part of a hereditament becoming part of a different hereditament,

shall have effect from the day the list was compiled."

(2) In regulation 13A(13)—

(a) for "an alteration made" substitute "where an alteration is made";

(b) for "shall have effect" substitute "then"; and

(c) for sub-paragraph (a), substitute the following—

"(a) where the alteration is made in pursuance of a proposal, it shall have effect as follows—

(i) if the proposal is served on the valuation officer within 6 months of the date of the previous alteration, from the date on which the previous alteration fell to have effect;

(ii) if the proposal is served on the valuation officer after 6 months from the date of the previous alteration but on or before 30th September 2002, from the date on which the previous alteration fell to have effect or 1st April 2001 whichever is the later;

(iii) if the proposal is served on the valuation officer after 6 months from the date of the previous alteration and after 30th September 2002, from the date on which the previous alteration fell to have effect or the first day of the financial year in which the proposal is served, whichever is the later; or";

(d) in sub-paragraph (b), for "in any other case, from that day" substitute "where the alteration is not made in pursuance of a proposal, the alteration shall have effect from the date on which the previous alteration fell to have effect".