

## CHAPTER 242

### THE LOCAL GOVERNMENT (RATING) ACT.

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## CHAPTER 242

### THE LOCAL GOVERNMENT (RATING) ACT.

*Commencement:* 1 January, 1979.

#### **An Act to amend and consolidate the law relating to local rates. 1.**

#### **Interpretation.**

In this Act, unless the context otherwise requires—

- (a) “financial year” means, in relation to any local authority, such period of twelve months as the Minister may, by statutory order, appoint for that local authority;
- (b) “gross value” means the rent at which the hereditament might reasonably be expected to let, from year to year, if the tenant undertook to pay conservancy fees, water rates and all other usual tenants’ rates and taxes, and the landlord undertook to bear the cost of repairs and any other expenses necessary to maintain the premises in a state to command that rent; but in estimating the annual rental value of a hereditament to the tenant, no account shall be taken of the value of any services which the landlord renders or procures to be rendered to the tenant (either alone or in common with other tenants) other than the provisions of, or repairs to or maintenance of, the hereditament;
- (c) “hereditament” includes any land, tenement, building (industrial or nonindustrial) or structure of any kind, but does not include vacant sites;
- (d) “industrial building” means a factory, mill or other premises of similar character used wholly or mainly for industrial purposes;
- (e) “local authority” means— (i) a council of any municipality or town established under the  
Local Governments Act; and (ii) a local administration under the Local Governments Act;
- (f) “Minister” means the Minister responsible for local governments;
- (g) “nonindustrial building” means a building which is not an industrial building;
- (h) “rate” means a rate the proceeds of which are applicable to local purposes of a public nature and which is leviable under this Act;
- (i) “rateable value” means the net annual value of a hereditament ascertained in accordance with this Act;

- (j) “rating area” means the area within the limits of a local authority to which the provisions of this Act have been applied;
- (k) “valuation court” means the valuation court appointed under this Act; and
- (l) “valuer” means the valuer appointed under this Act.

## **2. Application.**

The Minister may, by statutory order, apply this Act to such area or areas within the limits of a local authority as may be specified in the order.

## **3. Local authorities to levy rate.**

(1) Every local authority shall levy such rate as it may determine on the basis of the rateable value of hereditaments within a rating area.

(2) The minimum amount of rate for any financial year in respect of each hereditament entered in the valuation list shall be ten shillings.

(3) The amount of rate in respect of any hereditament in any financial year shall not exceed 20 percent of the rateable value of that hereditament.

(4) The rate shall be the rate payable in respect of the financial year for which it is imposed, and for every future financial year until it is altered in accordance with this Act.

## **4. Valuation lists.**

For the purposes of section 3, the local authority shall cause to be made, for every rating area, within its limits, the first valuation list and thereafter a valuation list, once at least in every five years, or such longer period as the Minister may approve.

## **5. Exemption.**

The following hereditaments shall not be liable to the rate—

- (a) hereditaments in the personal occupation of the President;
- (b) hereditaments used exclusively for public worship, together with the necessary curtilage;
- (c) hereditaments used exclusively for burial or burning grounds;
- (d) hereditaments used exclusively for the purposes of any charitable

- or educational institution supported only by endowments or voluntary contributions; (e) hereditaments laid out and used exclusively for the purpose of outdoor sport or recreation or designated as a public open scheme made under the Town and Country Planning Act and controlled in accordance with the rules and regulations approved by the local authority; except that—
- (i) hereditaments used as a recreation ground for outdoor sport for which any admission charge is made or which is for any form of racing, other than for human athletics, shall not be entitled to the benefit of this exemption;
  - (ii) the benefits of this exemption shall not apply within the curtilage of any hereditaments on which buildings, changing rooms, swimming baths or club houses used in connection with hereditaments laid out and used exclusively for the purposes of outdoor sport or recreation have been constructed; and
  - (iii) nothing in this section shall be taken to exempt the owner of hereditaments from the payment of rates on any hereditaments from which he or she derives a rent or income used for any purposes indicated in subparagraphs (a), (b), (c), (d) or (e) of this section.

#### **6. Local authority may remit or reduce rate.**

A local authority may, subject to the approval of the Minister, reduce or remit the payment of the rate in respect of any hereditament within the rating area of its jurisdiction.

#### **7. Liability of owner.**

(1) The person liable for payment of the rate shall be the owner of the hereditament in respect of which the assessment is made.

(2) Where the name of the owner of a hereditament is not known to a local authority, it shall be sufficient to assess him or her to the rate by the description of the occupier of the hereditament in respect of which the assessment is made without further name or description.

## **8. Valuer for local authorities.**

(1) The chief government valuer shall be the valuer for all local authorities, and all draft valuation lists shall be prepared and amended by him or her.

(2) Where the chief government valuer is unable, for any reason, to prepare or amend a valuation list, he or she may, with the written approval of the Minister, appoint a person who is registered as a surveyor and who holds a valid practising certificate under the Surveyors Registration Act.

## **9. Declaration by valuer.**

(1) Every valuer appointed under section 8(2) shall, before entering upon his or her duties as valuer, make before a magistrate or justice of the peace a solemn declaration in terms set out in the Schedule to this Act.

(2) The declaration made under subsection (1) shall be sent by the magistrate or, as the case may be, the justice of the peace, before whom it was made to the local authority concerned, who shall have it placed with the valuation list.

## **10. Particulars of a valuation list.**

(1) Every valuation list shall contain such particulars in respect of every hereditament as may be prescribed.

(2) On the completion of the draft valuation list, every valuer shall give a certificate under his or her hand in terms set out in the Schedule to this Act.

## **11. Ascertainment of rateable value.**

For the purposes of valuation lists to be prepared under this Act, the rateable value of any hereditament shall be ascertained as follows—

- (a) if the hereditament is a hereditament other than an industrial building, there shall be deducted from the gross value of the property such amount as the Minister may, by statutory order, determine; and the gross value so reduced shall be taken to be the net annual value;
- (b) if the hereditament is an industrial building, there shall be

estimated the rent at which the property might reasonably be expected to let from year to year if the tenant undertook to pay conservancy fees, water rates and any other usual tenants' rates and taxes and to bear the cost of the repairs and insurance and any other expenses necessary to maintain the property in a state to command that rent; and the amount of rent as so estimated shall be taken to be the net annual value; (c) if the net annual value of a hereditament includes a fraction of a shilling, the amount of the value shall be increased or reduced to the nearest complete shilling; and if the fraction is ten cents, the fraction shall be disregarded.

## **12. Power of entry.**

(1) Every valuer and every person authorised by him or her in writing for that purpose may, at all reasonable times during day time, enter on and survey and value any hereditament within the area for which the valuer acts.

(2) At any time after entry on a hereditament for the purpose specified under subsection (1), a valuer or a person authorised by him or her in writing for that purpose may be required by the owner of the hereditament or his or her agent to identify himself or herself.

(3) For the purposes of identification under subsection (2), it shall be sufficient for a valuer or a person authorised by him or her in writing for that purpose to—

- (a) produce a letter authorising him or her to survey and value that particular hereditament; or
- (b) be introduced by an administrator or a chief of the area.

(4) Every valuer or a person authorised by him or her in writing for that purpose may inspect and make extracts from any register, record, deed or instrument, which contains particulars of any hereditament whether the register, record, deed or instrument belongs to the Government or is in the custody or possession of a public officer or any other person.

(5) Every valuer may call upon the owner or tenant of any hereditament to furnish him or her, within fourteen days of being called upon to do so, with such written particulars in relation to the hereditament as may be necessary to enable the valuer to make a correct valuation of the hereditament.

(6) Any person who wilfully—  
(a) delays or obstructs any person in the exercise of his or her duties under this section;  
(b) neglects to furnish the particulars after being called upon to do so in accordance with subsection (3); or  
(c) furnishes the valuer with a false statement or particular in respect of a hereditament,  
commits an offence and is liable, on summary conviction, to a fine not exceeding five thousand shillings.

### **13. Draft valuation list and notice of the list.**

(1) When a valuation list is to be made for a rating area, the valuer shall—  
(a) prepare a draft valuation list; and  
(b) when the draft is completed, transmit three copies of the draft valuation list to the local authority concerned.

(2) On receiving the draft valuation list, the local authority shall immediately publish in the Gazette and in at least one newspaper, if any, circulating in the area, a notice, in the prescribed manner, containing the statement—

- (a) that the draft valuation list has been completed;
- (b) that a copy of the draft valuation list is open for inspection in the office of the local authority; and
- (c) of the right of objection conferred by section 14.

(3) If there is no newspaper circulating in the rating area, the local authority may cause the statements of the notice to be published in such other manner as it may think sufficient for the information of the persons who may be aggrieved by an entry in the draft valuation list.

### **14. Notice of objection.**

- (1) Any person who is aggrieved—
  - (a) by the inclusion of any hereditament in the draft valuation list;
  - (b) by any value ascribed in the draft valuation list to a hereditament or by any other statement made or omitted to be made in the draft valuation list with respect to a hereditament; or
  - (c) in the case of a building or portion of a building occupied in



parts, by the valuation in the draft valuation list of that building or portion of a building as a single hereditament, may, at any time before the expiration of twenty-one days from the date of publication of notice in accordance with section 13, serve on the local authority a notice of objection to the draft valuation list so far as it relates to that hereditament.

(2) Every notice of objection under this section shall be in writing and shall state the grounds on which the objection is made and the amendments desired to remove the objection.

(3) No person shall be entitled to be heard by the valuation court unless he or she has served on the local authority a notice of objection to the draft valuation list in accordance with subsections (1) and (2).

(4) Notwithstanding subsection (3), if the person liable to pay the rate and the valuer agree that owing to a mistake, a hereditament has been wrongly included in the draft valuation list, or any statement was wrongly made or omitted to be made with respect to a hereditament, or any building or portion of a building was wrongly ascribed a valuation as a single hereditament, the valuation court may, on application by either party, order the hereditament to be valued again whether or not notice of objection in accordance with subsections (1) and (2) was served.

**15. Local authority to send the valuation list and notices of objection to the valuation court.**

After the expiration of the period limited for lodging of notices of objection to a draft valuation list, the local authority shall send a copy of the draft valuation list and all the notices of objection to the valuation court.

**16. Appointment of members of the valuation court.**

(1) The valuation court shall consist of a chairperson and two members, and shall be appointed by the local authority.

(2) The chairperson shall either be a chief magistrate, a magistrate grade I or an advocate of not less than five years' standing.

(3) The members of the valuation court shall be engineers or architects or such other persons as the local authority may think fit to

appoint; except that members of the local authority shall not be appointed as members of the valuation court.

(4) No chief magistrate or magistrate grade I shall be appointed as chairperson without the consent of the Principal Judge.

(5) The town clerk or such other person as the local authority may appoint shall act as clerk to the valuation court.

#### **17. Quorum.**

(1) The chairperson and one member shall constitute the quorum of the valuation court.

(2) The decision of a valuation court shall be according to the opinion of the majority; but where the valuation court consists of the chairperson and one member, and there is a difference of opinion, the opinion of the chairperson shall be the decision of the valuation court.

#### **18. Hearing by the valuation court.**

(1) The valuation court shall summon the objector and the valuer in such manner as may be prescribed and shall—

- (a) examine such witnesses, on oath or solemn affirmation;
- (b) call for the production of such documents; and
- (c) afford such other opportunity of being heard to the objector and the valuer,

as it may deem necessary for the just decision of the objection.

(2) Thereafter, the valuation court shall record its findings and make such alterations in the draft valuation list as may be necessary to give effect to its findings.

(3) The valuation court shall keep a record of its proceedings and shall notify its findings to the objector and the valuer in such manner as may be prescribed.

#### **19. Draft valuation list and date of coming into force.**

(1) When the valuation court has completed the hearing of all the objections to the draft valuation list and has made such alterations in the draft

valuation list as may be necessary to give effect to its findings, the chairperson shall certify the draft valuation list under his or her signature in the form set out in the Schedule to this Act.

(2) When a draft valuation list has been certified in the manner provided for in subsection (1), it shall become the valuation list in force in the rating area to which it relates and shall supersede the valuation roll or assessment in force in that area.

(3) A valuation list shall come into force with effect from the commencement of the financial year in which the chairperson of the valuation court certifies it under subsection (1).

## **20. Notice of the valuation list.**

The clerk of the valuation court shall cause to be published in the Gazette and twice within a period of ten days in at least one newspaper, if any, circulating within the limits of the local authority to which the valuation list relates a notice that the valuation list has come into force.

## **21. Appeal.**

(1) Any person who had served a notice of objection under section 14 or the local authority concerned may, within thirty days of the notification of the finding of the valuation court, appeal to the High Court challenging the principle upon which any valuation has been made.

(2) Notwithstanding subsection (1), the High Court may, in special cases, grant leave for an appeal to be made out of time.

(3) The appeal shall be in writing and shall contain a statement of the grounds of appeal.

(4) After summoning the person who had served a notice of objection under section 14 or, as the case may be, the local authority concerned, and after affording the parties such hearing as it may think just, the High Court may affirm, set aside or modify the findings of the valuation court.

(5) The valuation court shall make such alterations in the valuation list as may be necessary to give effect to the decision of the High Court.

## **22. Valuation list, as altered, and date of coming into force.**

The valuation list, as altered in accordance with section 21, shall come into force from the commencement of the financial year in which the chairperson of the valuation court certified the valuation list under section 19(1).

## **23. Supplementary valuation list.**

(1) A local authority may, on its own motion or on the application of an owner, at any time, cause—

- (a) any hereditament omitted to be included in the valuation list;
- (b) a new hereditament which was not in existence at the time of the making of the valuation list;
- (c) any hereditament which is subdivided or subleased after the coming into force of the valuation list; and
- (d) any hereditament whose annual rent has, since the making of the valuation list, for any reason, increased or decreased,

to be valued and included in a supplementary valuation list.

(2) The provisions of sections 11 to 21 which apply to the making of the valuation lists shall apply to the making of the supplementary valuation lists also, as if the reference in those provisions to the draft valuation list or valuation list were a reference to the draft supplementary valuation list or supplementary valuation list, respectively.

(3) A local authority may direct that the supplementary valuation list, insofar as it relates to any hereditament which had been omitted to be included in the valuation list, shall come into force as if that hereditament had been included in the valuation list.

## **24. Clerical and arithmetical errors.**

A local authority may, at any time, cause to be made in a valuation list or a supplementary valuation list any alteration which is necessary to correct any clerical or arithmetical error in it, and the list shall have effect accordingly; but if the alteration is made in respect of any matter other than totals, the local authority shall, before causing the alteration to be made, send notice of it to the owner of the hereditament in question, and shall allow fourteen days to lapse during which the owner may object to the proposed alteration.

## **25. Notice of rate.**

Every local authority shall, within seven days after the making of the rate, give, by publication in the Gazette and in at least one newspaper, if any, in circulation in the area, a notice containing the following information—

- (a) such description of the hereditament in respect of which the rate has been levied as is reasonably necessary for purposes of identification;
- (b) the rateable value of the hereditament; and
- (c) the amount in shillings at which the rate is charged.

## **26. Payment of rates.**

(1) After a notice as required by section 25 has been given, the rate shall be paid in two equal installments on such dates, as the local authority may appoint, within the financial year for which it is levied.

(2) The local authority may charge and collect interest on any rate which remains in arrear for more than thirty days from the day it becomes payable at the rate of 2 percent per month for the period the rate remains unpaid.

## **27. Rates payable pending appeal.**

(1) Rates shall be paid on such dates as have been declared for that purpose notwithstanding that an appeal against the decision of a valuation court is pending.

(2) Where, subsequent to the payment of any rate, the valuation of any hereditament is, as a result of appeal, increased or reduced by the High Court, the local authority shall recover or, as the case may be, refund the entire amount of difference in the rate as paid and the rate which would have been paid if the same were based originally on the valuation determined by the High Court.

## **28. Recovery by warrant.**

(1) If a rate is not paid by the date appointed for that purpose, the local authority may cause a demand notice to be served upon the person liable, requiring him or her to pay the rate together with interest, if any, on that rate within fourteen days of the service of the notice.

(2) The notice shall be served by delivery of it to the person liable personally or by being left at his or her ordinary place of residence or business.

(3) If, after the service of the demand notice, the amount is not paid within fourteen days of the service of the notice, the local authority may apply to the magistrate having jurisdiction within the rating area where the hereditament is situated for a summary warrant to recover the amount from the person liable.

(4) The magistrate shall grant the warrant on being satisfied that the person sought to be proceeded against is the person liable to pay the amount, that the amount is due from that person and that he or she has been duly served with a demand notice.

(5) Every warrant granted under subsection (4) shall be executed as if it were a writ of execution issued by the court of the magistrate granting it.

## **29. Recovery by action.**

(1) Notwithstanding section 28, a local authority may bring an action for the recovery of the amount of rate and interest, if any, without serving a demand notice as required by that section.

(2) Action under subsection (1) shall be brought within six years of the rate becoming due.

## **30. Recovery from tenants and occupiers.**

(1) Where the rates in respect of a hereditament are in arrears, a local authority may serve upon any person paying rent or any other periodic payment in respect of that hereditament or any part of it a notice stating the amount of the arrears and interest, if any, on that amount and requiring all future payments of rent or any other periodic payments (whether the payments have already accrued or not) to be made direct to the local authority until the arrears and interest shall have been duly paid.

(2) The notice to be served under subsection (1) shall operate to transfer to the local authority the right to recover, receive and give discharge

for such rent or periodic payment.

**31. Evidence.**

The contents of a valuation list as for the time being in force or an extract from any such list may be proved by the production of a copy of the list or the extract of it purporting to be certified by the clerk of the local authority to be a true copy.

**32. Buyer to satisfy himself or herself about arrears.**

It shall be the right of the buyer to demand a certificate of arrears from the seller, and if the seller does not produce that certificate, the buyer may inquire from the local authority about arrears of rates, if any, on that hereditament upon the payment of a prescribed fee.

**33. Prohibition against transfer of hereditaments in arrears of rate.**

No transfer of any hereditament shall be registered under any law, for the time being in force, for the registration of titles or documents unless a certificate that no arrears are due in respect of that hereditament has been issued by the local authority of the area where the hereditament is situated.

**34. Person liable to notify transfer of the hereditament.**

(1) Whenever as a result of transfer of ownership the liability to pay a rate is also transferred, the person liable to pay the rate shall notify the fact of transfer in writing to the town clerk of the local authority concerned.

(2) The person liable to pay the rate shall continue to be liable for the rate until he or she notifies the transfer in accordance with subsection (1); but nothing in this subsection shall affect the liability of the transferee to pay the rate which falls due after the transfer in his or her favour.

**35. Application of rates.**

The proceeds of the rates levied under this Act shall be applied for such purposes as the local authority may think fit.

**36. Rate first charged on hereditaments.**

Any rate shall, for three years from the date it becomes due, be a first charge upon the hereditament in respect of which it is due.

**37. Rules.**

The Minister may, by rules, prescribe—

- (a) anything which is required to be prescribed under this Act; and
- (b) generally for all matters that may be necessary for better carrying into effect the provisions of this Act.



*Schedule.*

s. 9(1).

**Forms.**

*Declaration of Valuer.*

I, \_\_\_\_\_, solemnly and sincerely declare that I will to the best of my skill and knowledge and without favour and prejudice truly and impartially appraise and value all such rateable property as I shall be required to value for the purposes of assessment and that I will conscientiously value the property at and for its full and fair value. And I make this solemn declaration conscientiously intending to fulfil it.

Valuer

Declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Before me

Magistrate

s.10.

*Certificate of Valuer.*

In accordance with section 10(2) of the Local Government (Rating) Act, I certify that the figures entered in the draft valuation list have been truly and impartially appraised, valued and checked by me for every hereditament included in the draft valuation list and situate within the area of \_\_\_\_\_ in accordance with the provisions of the Act.

Valuer

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

s. 19.

*Certificate by Chairperson of Valuation Court under section 19.*

In accordance with section 19 of the Local Government (Rating) Act, I certify that the valuation court appointed to consider objections to the draft valuation list for \_\_\_\_\_ has duly sat

and examined all the objections, notifying their decisions to the parties concerned, and instructing that the necessary alterations and amendments should be made to the draft valuation list. Now, having satisfied myself that these alterations have been carried out, I certify that the draft valuation list shall henceforth become the valuation list for \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Chairperson of the Valuation Court

**History:** Decree 3/1979.

**Cross References**

Local Governments Act, Cap. 243.  
Surveyors Registration Act, Cap. 275. Town  
and Country Planning Act, Cap. 246.