

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,341 of 19th FEBRUARY, 1987.

I ASSENT,

PETER TERRY,
GOVERNOR.

19th February, 1987.



GIBRALTAR

No. 9 of 1967.

AN ACT to amend the Public Health Act.

ENACTED by the Legislature of Gibraltar.

Short title and commencement.

1.(1) This Act may be cited as the Public Health (Amendment) Act, 1987.

(2) Sections 2 and 3 shall be deemed to have come into operation on the 1st day of April, 1987.

Amendment of Section 272.

Public Health (Amendment) Act, 1987.

2. Section 272 of the Public Health Act (hereinafter called the principal Act) is amended by inserting, immediately after sub-section (3) thereof the following new sub-section-

"(4)(a) Where the amount of the rate due in respect of any hereditament to which this sub-section applies-

(i) for the period from 1st April 1986 to 31st March 1987, or

(ii) for the period from 1st April 1987 to 31st March 1988,

exceeds the amount of the rate assessed in respect of that hereditament for the year ended on 31st March 1986, the occupier of that hereditament shall, subject to the conditions set out in paragraph (b) below, be entitled to recover from the Financial and Development Secretary an amount equal to 40 per centum of that excess in the period mentioned in sub-paragraph (i) and 20 per centum of that excess in the period mentioned in sub-paragraph (ii).

(b) The conditions mentioned in paragraph (a) above are that the rate in respect of which recovery is sought has been paid in full in accordance with section 275 and that the rates in respect of the hereditament in question for any earlier period are not in arrears.

(c) This sub-section applies to every hereditament liable to be rated not being a dwelling house.

(d) The above provisions of this sub-section shall not apply in relation to any hereditament owned and occupied by the Crown."

Amendment of Section 297.

Public Health (Amendment) Act, 1987.

3. Section 297 of the principal Act is amended by inserting, immediately after sub-section (1) thereof, the following new subsection-

"(1A) In a draft valuation list there may be included a revised assessment of the net annual value of any hereditament not being a dwelling house, whether or not occupied by the owner, and not being a hereditament owned and occupied by the Crown."

Insertion of new Section 301A.

4. The principal Act is further amended by inserting, immediately after Section 301, the following new section-

"Rating Review Board.

301A(1) There shall be established a board to be known as the Rating Review Board (hereinafter called "the Board") which shall consist of-

(a) the holder for the time being of the office of the Director of Crown Lands who shall be the chairman, and

(b) two other members appointed by the Government, one of whom shall be appointed after consultation with the Chamber of Commerce, and the other shall be a person who in the opinion of the Government is a competent qualified valuer in private practice as such.

(2) It shall be the duty of the Board to hear and determine objections to valuations lists brought under section 302 and to perform such other functions as are assigned to the Board by this Act.

(3) The members of the Board, other than the chairman, shall hold and vacate their offices as such in accordance with the terms of their appointments and shall be paid such remuneration or allowances, if any, as the Government may determine.

Public Health (Amendment) Act, 1987.

- (4) The determination of any question before the Board shall be according to the opinion of the majority of the members.
- (5) The Board shall have power to regulate their own procedure,".

Replacement of Section 302.

5. The principal Act is further amended by repealing Section 302 thereof and substituting therefor the following new Sections-

“Objections against Valuation List.

302.(1) Any person who is aggrieved-

- (a) by the inclusion of any hereditament in the valuation list; or
- (b) by any value ascribed in the valuation list to a hereditament or by any statement made or omitted to be made in the 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 list of that building or portion of a building as a single hereditament,

may at any time before the expiration of thirty days from the date of the publication of the notice of the making and approval of the valuation list, object to the Board against the valuation list so far as it relates to that hereditament.

- (2) On the hearing of an objection before the Board the objector and the Valuation Officer shall be entitled to appear and call and examine witnesses and may be legally represented if they so desire.
- (3) After the conclusion of the proceedings the Board shall, as it thinks just, either confirm the valuation list or order it to be altered to give effect to the contention of the objector so far as that contention appears to the Board to be well founded.

Public Health (Amendment) Act, 1987.

- (4) The Financial and Development Secretary shall cause such alterations to be made in the valuation list as are specified in any order of the Board under the foregoing provisions of this Section and shall also cause such alteration of totals to be made as is consequential on any such alteration made under this sub-section.

Appeals from the Rating Review Board.

- 302A.(1) If the objector or the Valuation Officer is aggrieved by the decision of the Board under Section 302, he may, within a period of thirty days from the date of that decision, appeal against it to the Court of First Instance.
- (2) The Financial and Development Secretary shall be deemed to be the respondent to any appeal under this section whether he appears on the bearing of the appeal or not.
- (3) Section 302 (3) shall apply in relation to an appeal to the Court of First Instance as it applies to an objection to the Rating Review Board.
- (4) In any proceedings under this section the court may if it thinks fit summon one or more persons to act as assessors notwithstanding that no application is made in that behalf by any party to the proceedings.
- (5) The Financial and Development Secretary shall cause such alterations to be made in the valuation list as are specified in any order of the court under the foregoing provisions of this section and shall also cause such alteration of the totals to be made as is consequential on any such alteration made under this sub-section."

Amendment of Section 303.

- 6. Section 303 of the principal Act is amended by repealing sub-section (5) thereof and substituting therefor the following new sub-section-

Public Health (Amendment) Act, 1987.

"(5) If the person who has objected to any alteration of the valuation list is aggrieved by the decision of the Financial and Development Secretary thereon that person may, within thirty days after the date upon which notice of the decision has been served upon him, object against the decision to the Rating Review Board as if it were an objection against a new valuation list and all the provisions of this Part with respect to objections against the valuation list shall apply accordingly."

Amendment of Section 306.

7. Section 306 (2) of the principal Act is amended by inserting, immediately after the words "Court of First Instance", the words "or Rating Review Board".

Passed by the Gibraltar House of Assembly on the 11th day of February, 1987.

P. A. GARBARINO,
Clerk to the Assembly.