

Rodney District Council v A-G [2002] UKPC 47 (PC29/2001)

Successful appeal to the Privy Council restoring High Court decision - the appellants ("A") were three local authorities and the Local Government Association Inc - certainty was sought on A's power to levy uniform annual general charges ("UAGC") - A submitted that occupancy was sufficient to define "separate property" in terms of the legislation - the UAGC's A levied were based on a single value for a single certificate of title and were then further apportioned between the occupiers on that title - the Court of Appeal's decision meant there was doubt over A's treatment of sub-entries as separate rateable properties, and therefore, the legality of A's procedure was in question - respondents ("R") submitted that property was defined by its certificate of title and UAGC's should reflect this - R argued a certificate of title is the key element in the "Torrens" system of land transfer, therefore, it should be relied upon to identify land valuation.

Held, there is no doubt the approach based on a certificate of title is better suited to a system which seeks to rely on the comparative principle of valuation which is better suited to R - the correct approach is analysing relevant legislation instead of taking into account the function which a certificate of title has in land law - the overriding consideration is that the unit of occupation determined the extent of the property which was to be valued for the purpose of levying rates on the occupier - the declarations made in the High Court are restored - appeal allowed.