



Public Sector Legal News Update

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19 February 2015

Cases

CHARITIES

***Bisrat v Kebede*. 2015 WL 537893. Chancery Division (Ch D). Judge Purle Q.C.** February 13, 2015

Once proceedings had begun with the permission of the Charity Commission, the Senior Courts Act 1981 s.37 applied and allowed applications for interim relief to be made even if they had not been sought from the outset, so that matters could be regulated where it was just and convenient to do so until the case was decided. It was not necessary to seek further permission where the application was made properly within the proceedings.

Application granted

CHARITIES

***Choudhury v Stepney Shahjalal Mosque and Cultural Centre Ltd*. 2015 WL 537883. Chancery Division (Ch D). Birss, J.** February 12, 2015

Proceedings concerning the trustees of a company limited by guarantee that was a registered charity were charity proceedings under the Charities Act 2011 s.115(2) that required permission from the Charity Commission or the court. The proceedings were stayed and an interim injunction preventing a trustee election was continued pending a decision on permission.

Judgment accordingly

RATES

***SJ&J Monk (A Firm) v Newbiggin (Valuation Officer)*. [2015] EWCA Civ 78. Court of Appeal (Civil Division) (CA (Civ Div)). Arden, L.J.; Lewison, L.J.; Davis, L.J.** February 13, 2015

The statutory assumption under the Local Government Finance Act 1988 Sch.6 para.2(1)(b) that immediately before a tenancy began a hereditament was in a state of reasonable repair could be applied where a hereditament had been listed at a rateable value of GBP 1 because major building elements had been stripped out. A ratepayer's intention to produce a different kind of building in future could not determine whether the hereditament could be put into a state of reasonable repair at economic cost on the valuation date.

Appeal allowed

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Legislation

HOUSING

Right to Buy and Right to Acquire Schemes (Research) Bill 2015 (HC Bill No.167)

A Bill to require the Secretary of State to undertake a programme of research into the costs and benefits of extending control of all aspects of Right to Buy and Right to Acquire schemes entirely to Local Authorities, including the operation and consequences of such schemes and the introduction of the right of Local Authorities to suspend them; to report to Parliament within six months of the research being completed; and for connected purposes.

[Read full text here](#)

Hansard: HC Vol 592 col 306 (1st Reading)

Progress: Commons 1st Reading: 4/2/2015; 2nd Reading: 6/3/2015 provisional

LOCAL GOVERNMENT

Non-Domestic Rating (Small Business Rate Relief) (England) (Amendment) Order 2015 (SI 2015/106)

This Order provides for a further temporary extension to the increase in small business rate relief in England until March 31, 2016.

[Read full text here](#)

In Force: March 2, 2015

Made under: Local Government Finance Act 1988 s.44(9)(a), s.143(1)

Legislation amended: Non-Domestic Rating (Small Business Rate Relief) (England) Order 2012 (SI 2012/148)

Further Reading

ADMINISTRATIVE LAW

Accessing information in the planning sphere: viability assessments. *F.O.I. 2015, 11(3), 9-10*

Discusses the High Court and Court of Appeal decisions in *R. (on the application of Perry) v Hackney LBC* on the request for disclosure of financial viability information to the objectors of a planning development, such information having been withheld on the ground of protecting commercially sensitive information from disclosure.

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Cases referred: R. (on the application of Perry) v Hackney LBC~ [2014] EWHC 1721 (Admin); [2014] J.P.L. 1329 (QBD (Admin)); R. (on the application of Perry) v Hackney LBC~ [2014] EWCA Civ 1372 (CA (Civ Div)); R. (on the application of Perry) v Hackney LBC~ [2014] EWHC 3499 (Admin); [2014] P.T.S.R. D30 (QBD (Admin))

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