



# Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018

## 2018 CHAPTER 25

### *Non-domestic rating in England*

#### **1 Hereditaments occupied or owned by the same person**

- (1) In Part 3 of the Local Government Finance Act 1988 (non-domestic rating), in section 64 (hereditaments), after subsection (3) insert—

“(3ZA) In relation to England, where—

- (a) two or more hereditaments (whether in the same building or otherwise) are occupied by the same person,
- (b) the hereditaments meet the contiguity condition (see subsection (3ZC)), and
- (c) none of the hereditaments is used for a purpose which is wholly different from the purpose for which any of the other hereditaments is used,

the hereditaments shall be treated as one hereditament.

(3ZB) In relation to England, where—

- (a) two or more hereditaments (whether in the same building or otherwise) are—
  - (i) owned by the same person, and
  - (ii) unoccupied,
- (b) the hereditaments—
  - (i) ceased to be occupied on the same day, and
  - (ii) have each remained unoccupied since that day,
- (c) immediately before that day, the hereditaments were, or formed part of, a single hereditament by virtue of subsection (3ZA), and

(d) the hereditaments meet the contiguity condition (see subsection (3ZC)),

the hereditaments shall be treated as one hereditament.

(3ZC) The hereditaments meet the contiguity condition if—

- (a) at least two of the hereditaments are contiguous, and
- (b) where not all of the hereditaments are contiguous with each other—
  - (i) one or more of the other hereditaments is contiguous with one or more of the hereditaments falling within paragraph (a), and
  - (ii) each of the remaining hereditaments (if any) is contiguous with at least one hereditament that falls within sub-paragraph (i) or this sub-paragraph.

(3ZD) For the purposes of subsection (3ZC) two hereditaments are contiguous if—

- (a) some or all of a wall, fence or other means of enclosure of one hereditament forms all or part of a wall, fence or other means of enclosure of the other hereditament, or
- (b) the hereditaments are on consecutive storeys of a building and some or all of the floor of one hereditament lies directly above all or part of the ceiling of the other hereditament,

and hereditaments occupied or owned by the same person are not prevented from being contiguous under paragraph (a) or (b) merely because there is a space between them that is not occupied or owned by that person.”

(2) The amendments made by subsection (1) have effect for financial years beginning on or after 1 April 2010.