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STATUTORY INSTRUMENTS

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**1994 No. 3279**

**The Non-Domestic Rating (Chargeable Amounts) Regulations 1994**

**PART II**

**CHARGEABLE AMOUNTS (LOCAL LIST GENERAL)**

**Defined hereditament**

- 3.**—(1) As regards a relevant day a hereditament is a defined hereditament if —
- (a) the condition in paragraph (2) is fulfilled, or
  - (b) it meets the conditions specified in paragraph 1 of Schedule 1, or
  - (c) it meets the conditions specified in paragraph 2 of Schedule 2.
- (2) The condition in this paragraph is that the hereditament is shown in the list for —
- (a) 31 March 1995,
  - (b) the relevant day, and
  - (c) each day (if any) falling after 31 March 1995 and before the relevant day.

**Notional chargeable amount**

**4.**—(1) The notional chargeable amount for a defined hereditament for a relevant year shall be found by applying the formula—

$$A \times B$$

- (2) For the purposes of this regulation —
- (a) A is the rateable value shown for the hereditament for 1 April 1995 in the list, and
  - (b) B is the non-domestic rating multiplier for the relevant year.
- (3) Where regulation 14 (change in rateable value change of circumstances on 1 April 1995) applies, this regulation applies subject to the modifications made in that regulation.
- (4) For a hereditament to which Schedule 1 (altered hereditaments) applies, paragraph 3 of that Schedule applies for finding the notional chargeable amount.
- (5) For a hereditament to which Schedule 2 (splits and mergers) applies, paragraph 8 of that Schedule applies for finding the notional chargeable amount.
- (6) For a hereditament to which Schedule 3 (class of central list hereditaments splitting from 1 April 1995) applies, paragraph 8 of that Schedule applies for finding the notional chargeable amount.

**Base liability for 1995-96 for hereditament within previous transitional provisions**

**5.**—(1) This regulation applies to a defined hereditament for the relevant year beginning in 1995 if paragraph 9 of Schedule 7A to the Act applied to that hereditament for 31 March 1995, and where this

regulation applies the base liability for that hereditament for that year shall be found in accordance with this regulation.

(2) Except where regulation 7(2) or (4) of the 1990 Regulations (changes in rateable values) applied for the hereditament for 31 March 1995, the base liability shall be found by applying the formula—

$$(\mathbf{BL} \times \mathbf{AF}) \times 365$$

(3) In a case where regulation 7(2) of the 1990 Regulations applied to the hereditament for 31 March 1995, the base liability shall be found by applying the formula—

$$\left( (\mathbf{BL} \times \mathbf{AF}) + \frac{(\mathbf{N} - \mathbf{J}) \times \mathbf{B}}{365} \right) \times 365$$

(4) In a case where regulation 7(4) of the 1990 Regulations applied to the hereditament for 31 March 1995, the base liability shall be found by applying the formula—

$$(\mathbf{BL} \times \mathbf{AF}) \times \frac{\mathbf{N}}{\mathbf{J}} \times 365$$

(5) For the purposes of this regulation —

- (a) BL is the base liability for the hereditament for 31 March 1995 determined in accordance with paragraph 4(5) of Schedule 7A to the Act as modified, in an appropriate case, by regulation 8 (splits and mergers) of the 1990 Regulations;
- (b) AF is the appropriate fraction for the hereditament for 31 March 1995 determined in accordance with paragraph 5(2) of Schedule 7A to the Act;
- (c) B is the non-domestic rating multiplier for the financial year beginning on 1 April 1994;
- (d) J is the rateable value shown for the hereditament for 1 April 1990 in the list or, as the case may be, the amount treated as that amount in accordance with regulation 7(6), 8(2), (4) or (5) or 9(2) of the 1990 Regulations; and
- (e) N is the rateable value shown for the hereditament for 31 March 1995 in the list.

#### **Base liability for 1995-96 for hereditament outside previous transitional provisions**

**6.—**(1) This regulation applies to a defined hereditament for the relevant year beginning in 1995 if paragraph 9 of Schedule 7A did not apply to that hereditament for 31 March 1995.

(2) In a case where this regulation applies to a hereditament, the base liability for that hereditament for that relevant year shall be found by applying the formula—

$$\mathbf{Y} \times \mathbf{Z}$$

(3) For the purposes of this regulation —

- (a) Y is the rateable value shown for the hereditament for 31 March 1995 in the list, and
- (b) Z is the non-domestic rating multiplier for the financial year beginning in 1994.

(4) Where one or more of the following provisions apply —

- (a) regulation 15 (change in rateable value before 1 April 1995 not reflected by alteration of the list),
  - (b) paragraph 2 of Schedule 1 (altered hereditaments),
  - (c) paragraph 7 of Schedule 3 (class of central list hereditaments splitting from 1 April 1995),
- this regulation applies subject to the modifications made in the regulation or paragraph concerned.

### **Base liability for years subsequent to 1995-96**

7.—(1) The base liability for a defined hereditament for the relevant year beginning in 1996, 1997, 1998 or 1999 (the year concerned) shall be found by applying the formula—

$$(BL \times AF)$$

(2) For the purposes of this regulation —

- (a) BL is the base liability for the hereditament for the relevant year immediately preceding the year concerned, and
- (b) AF is the appropriate fraction for the hereditament for the relevant year immediately preceding the year concerned.

(3) Where Schedule 2 (splits and mergers) applies, paragraphs 9 and 10 of that Schedule apply for finding the base liability.

### **Appropriate fraction**

8.—(1) The appropriate fraction for a defined hereditament for a relevant year shall be found by applying the formula—

$$\frac{X}{100} \times Q$$

(2) For the purposes of this regulation, where the notional chargeable amount for the hereditament for the relevant year exceeds the base liability for the hereditament for the year —

- (a) X is 110 if
  - (i) the hereditament is situated in Greater London and the rateable value shown for it in the list for 1 April 1995 is £15,000 or more, or
  - (ii) the hereditament is situated outside Greater London and the rateable value shown for it in the list for 1 April 1995 is £10,000 or more.
- (b) subject to sub-paragraph (c), X is 107.5 if
  - (i) the hereditament is situated in Greater London and the rateable value shown for it in the list for 1 April 1995 is less than £15,000, or
  - (ii) the hereditament is situated outside Greater London and the rateable value shown for it in the list for 1 April 1995 is less than £10,000.
- (c) X is 105 if
  - (i) the hereditament is situated in Greater London, is shown in the list as a composite hereditament for 1 April 1995, and the rateable value shown for it in the list for that day is less than £15,000, or
  - (ii) the hereditament is situated outside Greater London, is shown in the list as a composite hereditament for 1 April 1995, and the rateable value shown for it in the list for that day is less than £10,000.

(3) For the purposes of this regulation, where the notional chargeable amount for the hereditament for the relevant year does not exceed the base liability for the hereditament for the year and —

- (a) the hereditament is situated in Greater London and the rateable value shown for it in the list for 1 April 1995 is £15,000 or more, or
- (b) the hereditament is situated outside Greater London and the rateable value shown for it in the list for 1 April 1995 is £10,000 or more,

then

- (i) for the relevant years beginning on 1 April 1995 and 1 April 1996, X is 95;

- (ii) for the relevant year beginning on 1 April 1997, X is 85;
- (iii) for the relevant years beginning on 1 April 1998 and 1999, X is 70.

(4) For the purposes of this regulation, where the notional chargeable amount for the hereditament for the relevant year does not exceed the base liability for the hereditament for the year and —

- (a) the hereditament is situated in Greater London and the rateable value shown for it in the list for 1 April 1995 is less than £15,000, or
- (b) the hereditament is situated outside Greater London and the rateable value shown for it in the list for 1 April 1995 is less than £10,000,

then

- (i) for the relevant years beginning on 1 April 1995 and 1 April 1996, X is 90;
- (ii) for the relevant year beginning on 1 April 1997, X is 80;
- (iii) for the relevant years beginning on 1 April 1998 and 1999, X is 65.

(5) For the purposes of this regulation —

- (a) Q is the amount found by applying the formula—

$$\frac{\mathbf{RPI(1)}}{\mathbf{RPI(2)}}$$

- (b) RPI(1) is the retail prices index for September of the financial year preceding the relevant year concerned;
- (c) RPI(2) is the retail prices index for September of the financial year which precedes that preceding the relevant year concerned;
- (d) Q shall, if not a whole number, be calculated to three decimal places only —
  - (i) adding one thousandth where (apart from this sub-paragraph) there would be more than five ten-thousandths, and
  - (ii) ignoring the ten-thousandths where (apart from this sub-paragraph) there would be five, or less than five, ten-thousandths.
- (6) Where one or more of the following provisions apply —
  - (a) regulation 14,
  - (b) paragraph 5 of Schedule 1,
  - (c) paragraph 11 of Schedule 2,

this regulation applies subject to the modifications made in the regulation or paragraph concerned.

#### **Case for which regulation 10 determines chargeable amount**

**9.—(1)** Regulation 10 applies to a defined hereditament for a relevant day (the day concerned) if —

- (a) as regards the hereditament the day concerned is a chargeable day for which a chargeable amount would, but for these Regulations, fall to be determined under section 43 or 45 of the Act, and
- (b) NCA is
  - (i) greater than BL and greater than  $(BL \times AF)$ , or
  - (ii) less than BL and less than  $(BL \times AF)$ .
- (2) For the purposes of this regulation —

- (a) NCA is the notional chargeable amount for the hereditament for the relevant year within which the day concerned falls,
  - (b) BL is the base liability for the hereditament for the relevant year within which the day concerned falls,
  - (c) AF is the appropriate fraction for the hereditament for the relevant year within which the day concerned falls.
- (3) Where one or more of the following provisions apply —
- (a) regulation 11 (change in rateable value after 1 April 1995);
  - (b) regulation 17 (partly occupied hereditament);
  - (c) paragraph 9 of Schedule 3 (former central list hereditament),
- regulation 10 applies subject to the modifications made in those provisions.
- (4) Regulation 10 shall not apply —
- (a) where regulation 12 (special authorities: special cases) applies in any year, or
  - (b) where Schedule 2 (splits and mergers) applies to a hereditament, in the year in which the creation day falls.
- (5) This regulation applies, where paragraph 4 of Schedule 1 (altered hereditaments) applies, subject to the modification made in that paragraph.

#### **Rules for determining chargeable amount**

**10.**—(1) For a hereditament to which this regulation applies, the chargeable amount for a chargeable day which is a relevant day shall be found in accordance with the rules prescribed in paragraphs (2) to (7) in place of the provisions of sections 43(4) to (6), 44 and 45(4) to (6) of the Act.

(2) Subject to paragraphs (4) and (6), the chargeable amount for the chargeable day shall be calculated by applying the formula—

$$\frac{\mathbf{(BL \times AF)}}{\mathbf{C}}$$

- (3) For the purposes of this regulation —
- (a) C is the number of days in the year in which the relevant day falls, and
  - (b) BL and AF have the meaning given in regulation 9(2) above.
- (4) Where paragraph (5) applies, the chargeable amount for a chargeable day shall be found by dividing the amount calculated in accordance with paragraph (2) by 5.
- (5) This paragraph applies where, on the day concerned, the ratepayer is a charity or trustees for a charity and the hereditament is wholly or mainly used for charitable purposes (whether of that charity or of that and other charities).
- (6) Where paragraph (7) applies, the chargeable amount for a chargeable day shall be found by dividing the amount calculated in accordance with paragraph (2) by 2, or, in a case where section 45(6) of the Act (unoccupied hereditaments of charities) applies, by dividing it by 10.
- (7) This paragraph applies where, on the day concerned, the conditions in section 45(1) of the Act (unoccupied property) are fulfilled as respects the hereditament.

#### **Change in rateable value after 1 April 1995**

**11.**—(1) Paragraph (2) applies in respect of a defined hereditament in a case where regulation 10 applies where for a day after 1 April 1995 the rateable value shown in the list for the hereditament is greater than that shown for it for 1 April 1995.

(2) Where this paragraph applies, regulation 10 shall have effect as regards the hereditament for the day as if the reference in that regulation to

$$\frac{(\mathbf{BL} \times \mathbf{AF})}{\mathbf{C}}$$

were a reference to—

$$\frac{(\mathbf{BL} \times \mathbf{AF})}{\mathbf{C}} + \frac{(\mathbf{N} - \mathbf{J}) \times \mathbf{B}}{\mathbf{C}}$$

(3) Paragraph (4) applies in respect of a defined hereditament in a case where regulation 10 applies where for a day after 1 April 1995 the rateable value shown in the list for the hereditament is less than that shown for it for 1 April 1995.

(4) Where this paragraph applies, regulation 10 shall have effect as regards the hereditament for the day as if the reference in that regulation to

$$\frac{(\mathbf{BL} \times \mathbf{AF})}{\mathbf{C}}$$

were a reference to—

$$\frac{(\mathbf{BL} \times \mathbf{AF})}{\mathbf{C}} \times \frac{\mathbf{N}}{\mathbf{J}}$$

(5) For the purposes of the provisions substituted by paragraphs (2) and

- (a) (4) (a) B is the non-domestic rating multiplier for the relevant year in which the day falls;
- (b) C is the number of days in the relevant year in which the relevant day falls;
- (c) J is the rateable value shown for the hereditament for 1 April 1995 in the list;
- (d) N is the rateable value shown for the hereditament for the day in the list; and
- (e) BL and AF have the meanings given in regulation 9(2).

(6) Where one or more of the following provisions apply —

- (a) regulation 14 (change in rateable value-change of circumstances on 1 April 1995),
- (b) paragraph 5 of Schedule 1 (altered hereditaments),
- (c) paragraph 11 of Schedule 2 (rateable value: hereditament split or merged after 1 April 1995),

this regulation applies subject to the modifications made in the regulation or paragraph concerned.

### **Special authorities: special cases**

**12.**—(1) This regulation applies in relation to a defined hereditament which fulfils the conditions in regulation 9(1), and which is situated in the area of a special authority, for a relevant year for which the non-domestic rating multiplier set by the special authority is different from the non-domestic rating multiplier for the year.

(2) Subject to paragraphs (4) and (6), in any relevant year where this regulation applies and D exceeds B, the chargeable amount for a chargeable day which is a relevant day for the hereditament shall, in place of the provisions of sections 43(4) to (6), 44 and 45(4) to (6) of the Act, be calculated by applying the formula—

$$\frac{(\mathbf{BL} \times \mathbf{AF})}{\mathbf{C}} + \frac{(\mathbf{D} - \mathbf{B}) \times \mathbf{J}}{\mathbf{C}}$$

(3) For the purposes of this regulation —

- (a) J is the rateable value shown for the hereditament in the list for 1 April 1995,
- (b) D is the non-domestic rating multiplier of the special authority concerned for the relevant year in which the chargeable day falls,
- (c) B is the non-domestic rating multiplier for the relevant year in which the chargeable day falls,
- (d) C is the number of days in the relevant year, and
- (e) BL and AF have the meaning they have in regulation 9(2).

(4) In any relevant year where this regulation and paragraph (5) apply and D exceeds B, the chargeable amount for a chargeable day which is a relevant day for the hereditament shall be found by dividing the amount calculated in accordance with paragraph (2) by 5.

(5) This paragraph applies where, on the chargeable day, the ratepayer is a charity or trustees for a charity and the hereditament is wholly or mainly used for charitable purposes (whether of that charity or of that and other charities).

(6) In any relevant year where this regulation and paragraph (7) apply and D exceeds B, the chargeable amount for a chargeable day which is a relevant day for the hereditament shall be found by dividing the amount calculated in accordance with paragraph (2) by 2, or, in a case where section 45(6) of the Act (unoccupied hereditaments of charities) applies, by dividing the amount calculated in accordance with paragraph (2) by 10.

(7) This paragraph applies where, on the chargeable day, the conditions in section 45(1) of the Act (unoccupied property) are fulfilled as respects the hereditament.

(8) Subject to paragraphs (9) and (10) where this regulation applies and in any relevant year D is less than B, the chargeable amount for the chargeable day which is a relevant day for the hereditament shall be calculated by applying the formula—

$$\frac{(BL \times AF)}{C} \times \frac{D}{B}$$

(9) In any relevant year where this regulation and paragraph (5) apply and D is less than B, the chargeable amount for the chargeable day which is a relevant day for the hereditament shall be found by dividing the amount calculated in accordance with paragraph (8) by 5.

(10) In any relevant year where this regulation and paragraph (7) apply and D is less than B, the chargeable amount for a chargeable day which is a relevant day for the hereditament shall be found by dividing the amount calculated in accordance with paragraph (8) by 2, or, in a case where section 45(6) of the Act (unoccupied hereditaments of charities) applies, by dividing the amount calculated in accordance with paragraph (8) by 10.

(11) Where one or more of the following provisions apply —

- (a) regulation 13 (special authorities: change in rateable value after 1 April 1995),
- (b) regulation 16 (hereditaments losing Crown exemption),
- (c) regulation 17 (partly occupied hereditament),
- (d) paragraph 5 of Schedule 1 (altered hereditaments: change in rateable value);
- (e) paragraph 11 of Schedule 2 (rateable value: hereditament split or merged after 1 April 1995);
- (f) paragraph 9 of Schedule 3 (chargeable amount for former central list hereditament),

this regulation applies subject to the modifications made in the regulation or paragraph concerned.

(12) For a hereditament to which this regulation and Schedule 2 (splits and mergers) apply, the chargeable amount for a chargeable day in the year in which the creation day falls shall be found in accordance with Schedule 2.

**Special authorities: change in rateable value after 1 April 1995**

13.—(1) Paragraph (2) applies where, for a day after 1 April 1995, the rateable value shown in the list for a defined hereditament in a case where regulation 12 applies is greater than that shown for it for 1 April 1995.

(2) Where this paragraph applies, regulation 12 shall have effect as regards the hereditament for the day as if the reference to the formula—

$$\frac{(\mathbf{BL} \times \mathbf{AF})}{\mathbf{C}} + \frac{((\mathbf{D} - \mathbf{B}) \times \mathbf{J})}{\mathbf{C}}$$

were a reference to the formula—

$$\frac{(\mathbf{BL} \times \mathbf{AF})}{\mathbf{C}} + \frac{(\mathbf{N} \times \mathbf{D}) - (\mathbf{J} \times \mathbf{B})}{\mathbf{C}}$$

and as if the reference to the formula—

$$\frac{(\mathbf{BL} \times \mathbf{AF})}{\mathbf{C}} \times \frac{\mathbf{D}}{\mathbf{B}}$$

were a reference to the formula—

$$\left( \frac{(\mathbf{BL} \times \mathbf{AF})}{\mathbf{C}} \times \frac{\mathbf{D}}{\mathbf{B}} \right) + \frac{((\mathbf{N} - \mathbf{J}) \times \mathbf{D})}{\mathbf{C}}$$

(3) Paragraph (4) applies where for a day after 1 April 1995 the rateable value shown in the list for a defined hereditament in a case where regulation 12 applies is less than that shown for it for 1 April 1995.

(4) Where this paragraph applies, regulation 12 (special authorities: special cases) shall have effect as regards the hereditament for the day as if the reference to the formula—

$$\frac{(\mathbf{BL} \times \mathbf{AF})}{\mathbf{C}} + \frac{((\mathbf{D} - \mathbf{B}) \times \mathbf{J})}{\mathbf{C}}$$

were a reference to the formula—

$$\left( \frac{(\mathbf{BL} \times \mathbf{AF})}{\mathbf{C}} \times \frac{\mathbf{N}}{\mathbf{J}} \right) + \frac{((\mathbf{D} - \mathbf{B}) \times \mathbf{N})}{\mathbf{C}}$$

and as if the reference to the formula—

$$\frac{(\mathbf{BL} \times \mathbf{AF})}{\mathbf{C}} \times \frac{\mathbf{D}}{\mathbf{B}}$$

were a reference to the formula—

$$\frac{(\mathbf{BL} \times \mathbf{AF})}{\mathbf{C}} \times \frac{\mathbf{D}}{\mathbf{B}} \times \frac{\mathbf{N}}{\mathbf{J}}$$

- (5) For the purposes of the provisions substituted in regulation 12 by paragraphs (2) and (4) —
- (a) B is the non-domestic rating multiplier for the relevant year in which the chargeable day falls,
  - (b) C is the number of days in the relevant year,



- (c) D is the non-domestic rating multiplier of the special authority concerned for the relevant year,
  - (d) N is the rateable value shown in the list for the hereditament for the day,
  - (e) J is the rateable value shown in the list for the hereditament for 1 April 1995, and
  - (f) BL and AF have the meanings given in regulation 9(2).
- (6) Where one or more of the following provisions apply —
- (a) regulation 14 (change in rateable value: change of circumstances on 1 April 1995),
  - (b) paragraph 5 of Schedule 1 (altered hereditament: change in rateable value),
  - (c) paragraph 11 of Schedule 2 (rateable value: hereditament split or merged after 1 April 1995),
  - (d) paragraph 9 of Schedule 3 (chargeable amount for former central list hereditament),
- this regulation applies subject to the modifications made in the regulation or paragraph concerned.