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STATUTORY INSTRUMENTS

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**1994 No. 3279**

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

**PART V**

**CHARGEABLE AMOUNTS CLASS OF CENTRAL LIST HEREDITAMENTS**

**Defined class of central list hereditaments for which rateable values are prescribed**

**27.**—(1) In this Part, a defined class of hereditaments is any class of hereditaments prescribed as respects a designated person by regulations for the purposes of section 53(1) of the Act for which —

- (a) a rateable value specified by order, or determined in accordance with rules prescribed by regulations, under paragraph 3(2) of Schedule 6, is shown in the central list for 31 March 1995; and
- (b) a rateable value is shown in the central list for 1 April 1995.

(2) This Part applies to classes of hereditaments where Schedules 3, 4 and 5 apply subject to the modifications made in those Schedules.

**Base liability for 1995-96 for defined class of hereditaments**

**28.**—(1) The base liability of a defined class of hereditaments for the relevant year beginning in 1995 shall be found by applying the formula—

$$Y \times Z$$

(2) For the purposes of this regulation —

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

**Base liability for defined class of hereditaments for years subsequent to 1995-96**

**29.**—(1) The base liability for a defined class of hereditaments for a 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 class of hereditaments for the relevant year immediately preceding the year concerned,
- (b) AF is the appropriate fraction for the class of hereditaments for the relevant year immediately preceding the year concerned.

### Notional chargeable amount for defined class of hereditaments

30.—(1) The notional chargeable amount for a relevant year for a defined class of hereditaments shall be found by applying the formula—

$$(A - RF) \times B$$

(2) For the purposes of this regulation—

A is the rateable value shown in the central list for the class of hereditaments for 1 April 1995;

B is the non-domestic rating multiplier for the relevant year;

RF is the recalculation factor for the class of hereditaments (subject to the provisions of paragraph (3)).

(3) In a case where paragraph (4) applies, the recalculation factor for each class of hereditaments for the year beginning on 1 April 1994 shall be taken to be the recalculation factor in the rateable value order which applied for the class of hereditaments mentioned in paragraph (4)(a) in the most recent financial year for which there was such a factor.

(4) This paragraph applies where —

- (a) a class of hereditaments was, before 1 April 1994, prescribed by regulations under section 53(1) of the Act (contents of central list) as respects one designated person,
- (b) a rateable value order was in force before 1 April 1994 in respect of that class,
- (c) for 1 April 1994, hereditaments comprised in the class mentioned in sub-paragraph (a) are comprised in two or more classes of hereditaments as respects two or more designated persons, and
- (d) the rateable value order made as respects each such class of hereditaments for the year beginning on 1 April 1994 made no provision for a recalculation factor to apply for that class for any year.

### Appropriate fraction for defined class of hereditaments

31.—(1) The appropriate fraction for a relevant year for a defined class of hereditaments shall be found by applying the formula—

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

(2) For the purposes of this regulation—

(a) where the notional chargeable amount for the class of hereditaments for the relevant year exceeds the base liability for the class for the year, X is 110,

(b) where the notional chargeable amount for the class of hereditaments for the relevant year does not exceed the base liability for the class for the year, 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.

(3) For the purposes of this regulation —

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

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

(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.

### **Defined class of hereditaments: case for which regulation 33 determines chargeable amount**

**32.**—(1) Regulation 33 applies to a defined class of hereditaments for a relevant day (the day concerned) if —

- (a) as regards the class of hereditaments the day concerned is a chargeable day for which a chargeable amount would, but for these Regulations, fall to be determined under section 54 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 class of hereditaments for the relevant year within which the day concerned falls,
  - (b) BL is the base liability for the class of hereditaments for the relevant year within which the day concerned falls,
  - (c) AF is the appropriate fraction for the class of hereditaments for the relevant year within which the day concerned falls.

### **Chargeable amount for defined class of hereditaments**

**33.**—(1) The chargeable amount for a chargeable day which is a relevant day for a class of hereditaments to which this regulation applies shall be found in accordance with the rules prescribed in paragraph (2) in place of the provisions of section 54(4) to (7) of the Act.

(2) Where this regulation applies, the chargeable amount for the chargeable day shall be calculated by applying the formula—

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

- (3) For the purposes of this regulation —
- (a) BL has the meaning given in regulation 32(2)(b);
  - (b) AF has the meaning given in regulation 32(2)(c); and
  - (c) C is the number of days in the relevant year.
- (4) Where regulation 34(2) or (4) applies, this regulation has effect subject to the provisions of regulation 34.

### **Change in rateable value for defined class of hereditaments on or after 1 April 1995**

**34.**—(1) Where regulation 33 applies in respect of a defined class of hereditaments, paragraph (2) applies where for a day on or after 1 April 1995 the rateable value shown in the central list for the class of hereditaments is greater than the amount J determined in accordance with this regulation.

(2) Where this paragraph applies, regulation 33 applies as regards the class of hereditaments for the day as if the reference to

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

were a reference to—

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

(3) Where regulation 33 applies, paragraph (4) applies in respect of a defined class of hereditaments where for a day on or after 1 April 1995 the rateable value shown in the central list for the class of hereditaments is less than the amount J determined in accordance with this regulation.

(4) Where this paragraph applies, regulation 33 shall have effect as regards the class of hereditaments for the day as if the reference to

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

were a reference to—

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

(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;
- (c) J is the amount found by the formula (A – RF) in accordance with regulation 30 as modified, in a case where Schedule 4 applies, by paragraph 4 of that Schedule;
- (d) N is the rateable value shown for the class of hereditaments for the day in the central list; and
- (e) BL and AF have the meanings given in regulation 32(2).