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STATUTORY INSTRUMENTS

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**1996 No. 911**

**RATING AND VALUATION**

**The Non-Domestic Rating (Chargeable Amounts) (Amendment) Regulations 1996**

*Made* - - - - 22nd March 1996  
*Coming into force* - - 1st April 1996

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 58 and 143(1) of the Local Government Finance Act 1988<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has been laid before, and approved by a resolution of, each House of Parliament:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Non-Domestic Rating (Chargeable Amounts) (Amendment) Regulations 1996 and shall come into force on 1st April 1996.

(2) In these Regulations “the 1994 Regulations” means the Non-Domestic Rating (Chargeable Amounts) Regulations 1994<sup>(2)</sup>.

**Amendment of the 1994 Regulations**

2.—(1) The 1994 Regulations are amended in accordance with the following paragraphs.

(2) After regulation 4(5) insert the following paragraph—

“(5A) For a hereditament to which Schedule 2A (splits and mergers—certified values) applies, paragraph 1 of that Schedule applies for finding the notional chargeable amount.”.

(3) After regulation 6(4) insert the following paragraph—

“(5) For a hereditament to which Schedule 2A (splits and mergers—certified values) applies, paragraph 2 of that Schedule applies for finding the base liability for the relevant year beginning in 1995.”.

(4) After regulation 7(3) insert the following paragraph—

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(1) 1988 c. 41.  
(2) S.I.1994/3279.

- “(4) For a hereditament to which Schedule 2A (splits and mergers—certified values) applies, paragraph 3 of that Schedule applies for finding the base liability for years subsequent to the relevant year beginning in 1995.”
- (5) After regulation 8(6)(c) insert the following sub-paragraph—
- “(d) regulation 10A(4)(b),”.
- (6) After regulation 9(3)(c) insert the following sub-paragraph—
- “(d) regulation 10A(4)(b),”.
- (7) After regulation 9(5) insert the following paragraph—
- “(6) Regulation 10 does not apply to a defined hereditament for the day concerned if—
- (a) as respects a relevant day falling before the day concerned, the value of X for the purposes of determining the appropriate fraction fell to be determined (or if determined again following an alteration of the list in accordance with regulations made under the Act, fell after that alteration to be determined) in accordance with regulation 8(2), and
- (b) as respects the day concerned, the value of X falls to be determined (or if determined again following an alteration of the list in accordance with regulations made under the Act, falls after that alteration to be determined) in accordance with regulation 8(3) or 8(4);
- or if—
- (i) as respects a relevant day falling before the day concerned, the value of X for the purposes of determining the appropriate fraction fell to be determined (or if determined again following an alteration of the list in accordance with regulations made under the Act, fell after that alteration to be determined) in accordance with regulation 8(3) or 8(4), and
- (ii) as respects the day concerned, the value of X falls to be determined (or if determined again following an alteration of the list in accordance with regulations made under the Act, falls after that alteration to be determined) in accordance with regulation 8(2).”.
- (8) After regulation 10 insert the following regulation—

**“Certified value for new hereditament**

**10A.—**(1) This regulation applies in any year beginning on or after 1st April 1996 for the calculation of a chargeable amount in relation to a defined hereditament which is a new hereditament coming into existence on or after 1st April 1995 in circumstances where Schedule 2 applies; and in this regulation and in Schedule 2A the expressions “new hereditament” and “creation day” have the meanings given to each in Schedule 2.

(2) Where this regulation applies in respect of a new hereditament on a relevant day, an interested person may apply for a value to be certified for that hereditament as specified in paragraph (3); and in this paragraph “interested person” has the meaning it has in the Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993(3).

(3) The value specified in this paragraph is the value certified by the appropriate valuation officer to be the rateable value which would have been shown in the list for the new hereditament if it had existed on 31st March 1995 and had fallen to be entered in the list for that day.

- (4) Where a value has been certified as specified in paragraph (3) in respect of a new hereditament—
- (a) Schedule 2A applies in relation to that hereditament in place of Schedule 2, and
  - (b) regulations 8 to 13 apply in relation to that hereditament as if for references to 1st April 1995 there were substituted references to the creation day.”.
- (9) After regulation 11(6)(c) insert the following sub-paragraph—
- “(d) regulation 10A(4)(b),”.
- (10) After regulation 12(11)(f) insert the following sub-paragraph—
- “(g) regulation 10A(4)(b),”.
- (11) After regulation 13(6)(d) insert the following sub-paragraph—
- “(e) regulation 10A(4)(b),”.
- (12) After regulation 24(2) insert the following paragraph—
- “(3) Regulation 25 does not apply to a defined central list hereditament for the day concerned if—
- (a) as respects a relevant day falling before the day concerned, the value of X for the purposes of determining the appropriate fraction falls to be determined (or if determined again following an alteration of the central list in accordance with regulations made under the Act, fell after that alteration to be determined) in accordance with regulation 23(2)(a), and
  - (b) as respects the day concerned, the value of X falls to be determined (or if determined again following an alteration of the central list in accordance with regulations made under the Act, falls after that alteration to be determined) in accordance with regulation 23(2)(b);
- or if—
- (i) as respects a relevant day falling before the day concerned, the value of X for the purposes of determining the appropriate fraction fell to be determined (or if determined again following an alteration of the central list in accordance with regulations made under the Act, fell after that alteration to be determined) in accordance with regulation 23(2)(b), and
  - (ii) as respects the day concerned, the value of X falls to be determined (or if determined again following an alteration of the central list in accordance with regulations made under the Act, falls after that alteration to be determined) in accordance with regulation 23(2)(a).”.
- (13) After regulation 32(2) insert the following paragraph—
- “(3) Regulation 33 does not apply to a defined class of hereditaments for the day concerned if—
- (a) as respects a relevant day falling before the day concerned, the value of X for the purposes of determining the appropriate fraction fell to be determined in accordance with regulation 31(2)(a); and
  - (b) as respects the day concerned, the value of X falls to be determined in accordance with regulation 31(2)(b);
- or if—
- (i) as respects a relevant day falling before the day concerned, the value of X for the purposes of determining the appropriate fraction fell to be determined in accordance with regulation 31(2)(b), and

(ii) as respects the day concerned, the value of X falls to be determined in accordance with regulation 31(2)(a).”.

(14) After Schedule 2 insert—

“SCHEDULE 2A

Regulation 10A

SPLITS AND MERGERS—CERTIFIED VALUES

**Notional chargeable amount**

1.—(1) The notional chargeable amount for a new hereditament to which this Schedule applies for a relevant year shall be found by applying the formula—

$$J \times B$$

(2) For the purposes of this paragraph—

J is the rateable value shown for the hereditament for the creation day in the list, and

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

**Base liability for 1995–96**

2.—(1) The base liability for a new hereditament to which this Schedule applies for the relevant year beginning on 1st April 1995 shall be found by applying the formula—

$$CY \times Z$$

(2) For the purposes of this paragraph—

(a) CY is the value certified in accordance with regulation 10A(3), and

(b) Z is the non-domestic rating multiplier for the financial year beginning in 1994.

**Base liability for years subsequent to 1995–96**

3.—(1) The base liability for a new hereditament to which this Schedule applies 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 paragraph—

(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.”.

Signed by authority of the Secretary of State for the Environment

21st March 1996

*David Curry*  
Minister of State,  
Department of the Environment

Signed by authority of the Secretary of State for Wales

22nd March 1996

*Gwilym Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Non-Domestic Rating (Chargeable Amounts) Regulations 1994 (“the 1994 Regulations”) which made provision for the five year period beginning on 1st April 1995 in relation to non-domestic rates under Part III of the Local Government Finance Act 1988 as to the chargeable amount for which a ratepayer is liable in certain circumstances.

These Regulations amend the 1994 Regulations by introducing new rules for the determination of the chargeable amount where a hereditament has split or merged after the start of the five year period. An interested person has the option of applying to the appropriate valuation officer for him to certify the value which the new hereditament would have had on 31st March 1995; that value is important in determining the chargeable amount. Regulation 2(8) and (14) introduce a new regulation and Schedule to provide for this.

The Regulations also amend the 1994 Regulations to ensure that where the chargeable amount for a hereditament was not previously determined under those Regulations it will not subsequently fall to be determined under those Regulations (regulation 2(7), (12) and (13)).