

2012 No. 664

RATING AND VALUATION, ENGLAND

**The Non-Domestic Rating Contributions (England)
(Amendment) Regulations 2012**

<i>Made</i>	- - - -	<i>2nd March 2012</i>
<i>Laid before Parliament</i>		<i>7th March 2012</i>
<i>Coming into force</i>		<i>31st March 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 143(1) and (2) of, and paragraphs 4 and 6 of Schedule 8 to, the Local Government Finance Act 1988(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Non-Domestic Rating Contributions (England) (Amendment) Regulations 2012 and shall come into force on 31st March 2012.

Amendments to the Non-Domestic Rating Contributions (England) Regulations 1992

2. The Non-Domestic Rating Contributions (England) Regulations 1992(b) are amended as follows in relation to financial years beginning on or after 1st April 2012.

Rules for the calculation of non-domestic rating contributions

3. In Schedule 1—

- (a) in paragraph 3(1)(b)(iii)(cc), for “any amount prescribed by the Secretary of State by order”, substitute “£16,500”.
- (b) after paragraph 3(1)(c), and before “less the amount”, insert—

(a) 1988 c.41. Section 143 was amended by paragraphs 72 and 79 of Schedule 5 to the Local Government and Housing Act 1989 (c.42) (“the 1989 Act”). Paragraph 4 of Schedule 8 was amended by paragraph 6 of Schedule 10 and Schedule 14 to the Local Government Finance Act 1992 (c.14) (“the 1992 Act”) and by sections 70 and 71 of and paragraphs 9 and 26 of Schedule 7 to the Local Government Act 2003 (c.26) (“the 2003 Act”). Paragraph 6 of Schedule 8 was amended by paragraphs 42 and 79 of Schedule 5 to the 1989 Act, by paragraph 6 of Schedule 10 and paragraph 86 of Schedule 13 to the 1992 Act and by section 71 of the 2003 Act. Paragraph 4(6) of Schedule 8 is disapplied in respect of regulations relating to the financial year beginning in 2012 so far as they make provision related to the operation of s47 of the Local Government Finance Act 1988, see section 69(8) of the Localism Act 2011 (c.20). These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999.672); see the entry in Schedule 1 for the Local Government Finance Act 1988. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.

(b) S.I. 1992/3082. Relevant amendments were made by S.I. 1993/1496 and 3082, 1994/1431 and 3139, 1995/3181, 1996/3245, 1997/3031, 1998/3038, 1999/3275, 2000/3208, 2001/3944, 2002/3021, 2003/3130, 2004/3234, 2005/3333, 2006/3617, 2007/3393, 2008/3078, 2009/3095, 2010/2952 and 2011/2993.

- “(d) the difference between the amount calculated in accordance with paragraph 2 above and the amount which would be so calculated if in respect of any relevant day or any day in a preceding year, any determination by the authority under section 47(1)(a) of the Act as regards a hereditament situated within an area shown on one of the maps and in relation to which the condition in section 47(3) applies, were taken into account, but disregarding any amount by which the amount of a determination would exceed the limit on the total de minimis aid that may be granted in accordance with Commission Regulation (EC) No 1998/2006(a) in respect of any particular undertaking.”
- (c) after paragraph 3(1), insert—
- “(1A) In paragraph 3(1)(d) above—
- (a) where part of a hereditament is situated within an area shown on one of the maps, references to a hereditament are to be read as meaning the whole of a hereditament;
- (b) “the maps” means the maps numbered 1 – 80 and entitled “Maps referred to in the Non-Domestic Rating Contributions (England) Regulations 1992 as amended by the Non-Domestic Rating Contributions (England) (Amendment) Regulations 2012”, of which prints, signed by a member of the Senior Civil Service in the Department for Communities and Local Government, are deposited and available for inspection at the Department for Communities and Local Government, at Eland House, Bressenden Place, London SW1E 5DU and, in relation to each map, at the offices of the authority or authorities concerned; and
- (c) “area” in relation to a map means the area bounded externally by the outer edge of a red line.”
- (d) in paragraph 3(3)(b)(iii)(cc), after “by order”, insert “for the preceding year in question, or for a financial year beginning on or after 1 April 2012 £16,500”.

Signed by authority of the Secretary of State for Communities and Local Government

2nd March 2012

Bob Neill
Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under Part 2 of Schedule 8 to the Local Government Finance Act 1988 (“the 1988 Act”), billing authorities are required to pay amounts (called non-domestic rating contributions) to an account held by the Secretary of State (“the national non-domestic rating pool”). The national non-domestic rating pool is subsequently distributed to authorities under the rules in Part 3 of Schedule 8 to the 1988 Act. Payments into the national non-domestic rating pool in respect of the provisional amount of the non-domestic rating contributions are made during the financial year. Final calculations and adjustments of those contributions are made after the year ends.

These Regulations amend the rules contained in the Non-Domestic Rating Contributions (England) Regulations 1992 (“the 1992 Regulations”) for the calculation of non-domestic rating contributions and the assumptions to be made in calculating the provisional amount of the non-domestic rating contributions for the financial years beginning on or after 1st April 2012. They

(a) Official Journal L 379, 28/12/2006 P. 0005 – 0010.

amend the deductions that may be made by certain authorities in relation to discretionary relief (section 47 of the Local Government Finance Act 1988), for hereditaments situated in particular areas, designated by Government as new Enterprise Zones. The Regulations also correct an error in the Regulations relating to the rateable value limit for rural rate relief. An impact assessment has not been prepared for this instrument.

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STATUTORY INSTRUMENTS

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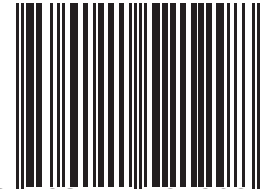
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