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## EXPLANATORY NOTE

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

These Regulations amend the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (“the Local Lists Regulations”) and the Non-Domestic Rating (Collection and Enforcement) (Central Lists) Regulations 1989 (“the Central Lists Regulations”) to make special provision in relation to the collection of non-domestic rates and business rate supplements payable in respect of the financial year beginning on 1st April 2012 (“the financial year 2012/13”). These Regulations also make consequential modifications to the Non-Domestic Rating (Contributions) (England) Regulations 1992 and the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003.

The Local Lists Regulations and the Central Lists Regulations provide for annual rates liability to be discharged in instalments. However, under the existing instalment scheme the instalments are payable in the financial year to which the demand for payment relates.

These Regulations insert a new Schedule 1G into the Local Lists Regulations and a new Schedule 1C into the Central Lists Regulations to provide that where a ratepayer who is subject to non-domestic rates in respect of the financial year 2012/13 satisfies certain conditions, they can defer payment of a specified proportion of that liability to the financial years beginning on 1st April 2013 and 1st April 2014.

The conditions that must be satisfied before a ratepayer can take advantage of deferral are set out in paragraph 1 of new Schedule 1G and paragraph 1 of new Schedule 1C and paragraphs 2 and 3 of those Schedules (“the new schedules”) make provision about the application for deferral.

In relation to the Local Lists Regulations paragraphs 4 to 6 of new Schedule 1G make provision about the calculations that the billing authority must carry out in order to establish the amount that a ratepayer may defer (“the actual deferrable amount”) and the amount which must be paid in the financial year 2012/13 (“the non-deferrable amount”).

Paragraph 9 makes provision about payment of the non-deferrable amount. Paragraph 10 makes provision about the cessation of instalments where the ratepayer ceases to occupy the property. Paragraph 11 makes provision about the adjustment of instalments during the 2012/13 financial year where the amount payable by the ratepayer or the amount the ratepayer is eligible to defer needs to be recalculated for whatever reason.

Paragraph 12 makes provision about how the actual deferrable amount is to be paid in the financial years beginning on 1st April 2013 and 1st April 2014.

Paragraph 13 modifies regulation 8 of the Local Lists Regulations so that where a ratepayer fails to pay any instalment due in respect of the actual deferrable amount the provisions in those Regulations that deal with enforcement apply in respect of that amount.

Paragraphs 14 and 15 deal with the cessation and adjustment of instalments in the financial years beginning on 1st April 2013 and 1st April 2014.

Paragraph 16 modifies regulation 4 of the Local Lists Regulations so that where a ratepayer has deferred payment of rates under the new Schedule the billing authority may, in respect of the financial years 2013/14 and 2014/15, issue a single notice which relates to the amount payable in respect of that year and to payment of the actual deferrable amount.

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

New Schedule 1C to the Central Lists Regulations make equivalent provision in relation to the payment of rates in the financial year beginning on 1st April 2012/13 by ratepayers whose names appear on the central rating list.

Regulation 4 of these Regulations modifies the definition of “relevant year” in regulation 1 of the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003 so that where a demand notice is issued under regulation 4 of the Local Lists Regulations (as modified by these Regulations), which relates to the payment of rates in respect of the financial year beginning on 1st April 2013 or 1st April 2014 and to payment of the actual deferrable amount, the notice need only include the information required by the Demand Notice Regulations as it relates to the financial year beginning on 1st April 2013 or 2014 (as the case may be).

Regulation 6 of these Regulations modifies regulation 6 (recalculation of provisional amounts) of the Non-Domestic Rating Contributions (England) Regulations 1992 (“the 1992 Regulations”) in respect of the financial year 2012/13. The 1992 Regulations make provision about the calculation of non-domestic rating contributions which billing authorities are required to make to the Secretary of State. The modification, which applies in relation to the financial year 2012/13, removes the financial thresholds below which a billing authority would otherwise be unable to recalculate its provisional contribution for the year. This is to enable authorities to recalculate their non-domestic rates contributions as a result of ratepayers deferring payment of rates relating to the financial year 2012/13 under these Regulations.

A full impact assessment has not been prepared for this instrument.