
STATUTORY INSTRUMENTS

2013 No. 108

The Non-Domestic Rating (Renewable Energy Projects) Regulations 2013

PART 3

Rules for the calculation of an amount to be disregarded

Amount to be disregarded for the purpose of certain calculations

12. The amount calculated in accordance with this Part in relation to an authority for a relevant year in respect of a hereditament falling within a designated class is to be disregarded for the purposes of the calculations under the following provisions of Schedule 7B to the 1988 Act as those provisions apply to the authority for the year—

- (a) paragraph 6 (payments in respect of the central share);
- (b) regulations under paragraph 7 (administrative arrangements for payments in respect of the central share);
- (c) regulations under paragraph 9 (payments by billing authorities to major precepting authorities);
- (d) regulations under paragraph 10 (administrative arrangements for payments by billing authorities to major precepting authorities);
- (e) paragraph 13 (calculations following local government finance report);
- (f) paragraph 16 (calculations following amending report);
- (g) paragraph 23 (calculations of levy payments);
- (h) paragraph 26 (calculations of safety net payments);
- (i) regulations under paragraph 28 (calculations of payments on account);
- (j) paragraph 30 (calculations relating to distribution of remaining balance).

Non-domestic rating income

13.—(1) An authority's non-domestic rating income in respect of a hereditament within a designated class for a day is the amount calculated in accordance with the formula—

$$(A - B) + (C - D)$$

where—

A is the total of the amounts credited to the authority's collection fund income and expenditure account on a day in accordance with proper practices⁽¹⁾ in respect of non-domestic rates payable under sections 43 and 45 of the 1988 Act in respect of that hereditament;

⁽¹⁾ The meaning of proper practices is given in section 21 of the Local Government Act 2003 (c.26), which applies to these Regulations by virtue of subsection (4)(e) of that section.

B is the total of the amounts charged to the authority's collection fund income and expenditure account on a day in accordance with proper practices in respect of non-domestic rates payable under sections 43 and 45 of the 1988 Act in respect of that hereditament;

C is the amount of any transitional protection payments under paragraph 33(1) of Schedule 7B to the 1988 Act made to the authority on a day in respect of that hereditament;

D is the amount of any transitional protection payments under paragraph 33(1) of Schedule 7B to the 1988 Act made by the authority on a day in respect of that hereditament;

(2) In this paragraph, references to an authority's collection fund income and expenditure account is a reference to a revenue account to which, in accordance with proper practices, are credited or charged amounts in respect of the authority's income or expenditure relating to sums paid or to be paid into or payments met or to be met from the authority's collection fund.

Calculation of the amount to be disregarded: classes A and F

14. For the purposes of regulation 12, the amount to be disregarded in relation to an authority for a relevant year in respect of a hereditament within class A or F is the total non-domestic rating income in respect of that hereditament for each day of the year.

Calculation of the amount to be disregarded: class B

15. For the purposes of regulation 12, the amount to be disregarded in relation to an authority for a relevant year in respect of a hereditament within class B is the total of the amounts calculated for each day of the year in accordance with the formula—

$$E - (F - G) \times \left(\frac{H - J}{H} \right)$$

where—

E is the non-domestic rating income in respect of that hereditament;

F is the amounts credited to the authority's collection fund income and expenditure account on the day in accordance with proper practices in respect of non-domestic rates payable in respect of that hereditament under sections 43 and 45 of the 1988 Act in respect of a day on which the rateable value shown for the hereditament in a local non-domestic rating list was the same or less than the rateable value shown for 31st March 2013;

G is the amounts charged to the authority's collection fund income and expenditure account on the day in accordance with proper practices in respect of non-domestic rates payable in respect of that hereditament under sections 43 and 45 of the 1988 Act in respect of a day on which the rateable value shown for the hereditament in a local non-domestic rating list was the same or less than the rateable value shown for 31st March 2013;

H is the rateable value shown for the hereditament in a local non-domestic rating list for the day; and

J is the rateable value shown for the hereditament in a local non-domestic rating list for 31st March 2013.

Calculation of the amount to be disregarded: class C

16. For the purposes of regulation 12, the amount to be disregarded in relation to an authority for a relevant year in respect of a hereditament within class C is the total of the amounts calculated for each day of the year in accordance with the formula—

$$E - (K - L) \times \left(\frac{H - M}{H} \right)$$

where—

E is the non-domestic rating income in respect of that hereditament;

K is the amounts credited to the authority's collection fund income and expenditure account on the day in accordance with proper practices in respect of non-domestic rates payable in respect of that hereditament under sections 43 and 45 of the 1988 Act in respect of a day on which the rateable value shown for the hereditament in a local non-domestic rating list was the same or less than the notional 31st March 2013 rateable value determined in accordance with Schedule 1 or 2 (as the case may be);

L is the amounts charged to the authority's collection fund income and expenditure account on the day in accordance with proper practices in respect of non-domestic rates payable in respect of that hereditament under sections 43 and 45 of the 1988 Act in respect of a day on which the rateable value shown for the hereditament in a local non-domestic rating list was the same or less than the notional 31st March 2013 rateable value determined in accordance with Schedule 1 or 2 (as the case may be);

H is the rateable value shown for the hereditament in a local non-domestic rating list for the day; and

M is the notional 31st March 2013 rateable value in respect of the hereditament determined in accordance with Schedule 1 or 2 (as the case may be).

Calculation of the amount to be disregarded: class D

17.—(1) For the purposes of regulation 12, the amount to be disregarded in relation to an authority for a relevant year in respect of a hereditament within class D is the total of the amounts calculated for each day of the year in accordance with the formula—

$$E - (N - P) \times \left(\frac{Q}{H} \right)$$

where—

E is the non-domestic rating income in respect of that hereditament;

N is the amounts credited to the authority's collection fund income and expenditure account on the day in accordance with proper practices in respect of non-domestic rates payable in respect of that hereditament under sections 43 and 45 of the 1988 Act in respect of a day on which no certificate under paragraph (2) has effect;

P is the amounts charged to the authority's collection fund income and expenditure account on the day in accordance with proper practices in respect of non-domestic rates payable in respect of that hereditament under sections 43 and 45 of the 1988 Act in respect of a day on which no certificate under paragraph (2) has effect

Q is the proportion of rateable value shown for the hereditament in a local non-domestic rating list that is certified by the relevant valuation officer in accordance with paragraph (2); and

H is the rateable value shown for the hereditament in a local non-domestic rating list for the day.

(2) The relevant valuation officer must, on request by the authority, certify the proportion of rateable value shown for the hereditament in a local non-domestic rating list which appears to that officer to be attributable to any part of the hereditament which—

- (a) is used or is intended to be used wholly or mainly in connection with the generation of electricity; and

(b) has been in such use or intended for such use since on or after 1st April 2013.

Calculation of the amount to be disregarded: class E

18.—(1) For the purposes of regulation 12, the amount to be disregarded in relation to an authority for a relevant year in respect of a hereditament within class E is the total of the amounts calculated for each day of the year in accordance with the formula—

$$E - (N - P) \times \left(\frac{Q}{H} \right)$$

where—

E is the non-domestic rating income in respect of that hereditament;

N is the amounts credited to the authority's collection fund income and expenditure account on the day in accordance with proper practices in respect of non-domestic rates payable in respect of that hereditament under sections 43 and 45 of the 1988 Act in respect of a day on which no certificate under paragraph (2) has effect;

P is the amounts charged to the authority's collection fund income and expenditure account on the day in accordance with proper practices in respect of non-domestic rates payable in respect of that hereditament under sections 43 and 45 of the 1988 Act in respect of a day on which no certificate under paragraph (2) has effect;

Q is the proportion of rateable value shown for the hereditament in a local non-domestic rating list that is certified by the relevant valuation officer in accordance with paragraph (2); and

H is the rateable value shown for the hereditament in a local non-domestic rating list for the day.

(2) The relevant valuation officer must, on request by the authority, certify the proportion of rateable value shown for the hereditament in a local non-domestic rating list which appears to that officer to be the separately identifiable impact on the rateable value attributable to—

- (a) the rateable plant and machinery that meets the conditions in regulation 10(2); and
- (b) any associated land and buildings.