

EXPLANATORY MEMORANDUM TO
THE COUNCIL TAX AND NON-DOMESTIC RATING (DEMAND NOTICES)
(ENGLAND) (AMENDMENT) REGULATIONS 2015

2015 No. 427

1. 1.1 This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.
- 2. Purpose of the instrument**

2.1 These Regulations amend the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003 (S.I. 2003/2613) (“the 2003 Regulations”). The 2003 Regulations make provision in relation to the content of non-domestic rating demand notices (and council tax demand notices for years commencing before 1st April 2010). These Regulations update the explanatory notes which must be provided by local authorities with non-domestic rating demand notices.
- 3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None
- 4. Legislative Context**

4.1 Schedule 2 to the 2003 Regulations sets out the matters which must be included in a non-domestic rating demand notice (“rates bills”). Part 1 of that Schedule applies to a demand notice sent by a billing authority other than a rural settlement authority (to which Part 2 of Schedule 2 applies) and a special authority (to which Part 3 of Schedule 2 applies). The term “special authority” is defined in section 144(6) of the Local Government Finance Act 1988 (“the 1988 Act”). The term “rural settlement authority” is defined in the 2003 Regulations as a billing authority which has, in respect of the relevant year, identified one or more rural settlements for that year in a list compiled under section 42A(2) of the 1988 Act. The explanatory notes, which are required by each Part, give the recipient of a demand notice information about non-domestic rates and the reliefs that are available.

4.2 To ensure non-domestic rates bills contain up-to-date information, these Regulations amend Schedule 2 to the 2003 Regulations to reflect changes to non-domestic rating which will have effect for the forthcoming financial year.
- 5. Territorial Extent and Application**

5.1 This instrument applies to England.
- 6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The 2003 Regulations set out the information that is to be contained in non-domestic rates bills to inform ratepayers of non-domestic rates policy so that they understand the policy and the impact it may have on their rates bills.

7.2 The Government is amending the 2003 Regulations to reflect the changes set out in the Government's Autumn Statement 2014, available here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/382327/44695_Accessible.pdf

7.3 The main changes which have been reflected in these amendments are:

- confirmation that the Government has, for a second successive year, capped the RPI increase in the business rates bills for 2015-16 at 2%;
- the continuation for a further year - 2015-16 - of the temporary doubling of small business rate relief to a maximum of 100%;
- the availability of funding for local authorities to provide, in 2015-16, a discount of up to £1,500 in non-domestic rates bills for retail properties with a rateable value of up to £50,000, an increase from the £1,000 available in 2014-15;
- confirmation of new limits to the backdating of changes to rates assessments with effect from 1 April 2015. If appeals are received after that date, the local authority will only be able to backdate any business rates rebate to the date of receipt.

8. Consultation outcome

8.1 There has been no consultation on these changes to the 2003 Regulations. The need to update the content of rates bills arises from a need to ensure that demand notices reflect changes announced by Government in the 2014 Autumn Statement.

9. Guidance

9.1 No guidance is required on these Regulations. The provision of information alongside rates bills is a well understood part of the non-domestic rates system.

10. Impact

10.1 The 2015 Regulations update the information to be provided to ratepayers to ensure it is up to date following other legislative and policy changes. As such, there is no foreseen impact on business, charities or voluntary bodies as a result of the Regulations.

10.2 The impact on the public sector is that billing authorities must amend the information they provide to ratepayers with their non-domestic rates bills. This is a usual aspect of the rating system.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not regulate small business (although it does relate to the information that small businesses will receive with their rates bills).

12. Monitoring & review

12.1 The information provided for ratepayers will be reviewed in line with any future changes in policy that impact on liability for, or the collection of, business rates.

13. Contact

13.1 Paulette McGhan at the Department for Communities and Local Government (Tel: 0303 444 1360 or email: paulette.mcghan@communities.gsi.gov.uk) can answer any queries regarding the instrument.