

EXPLANATORY MEMORANDUM TO
THE COUNCIL TAX AND NON-DOMESTIC RATING (DEMAND NOTICES)
(ENGLAND) (AMENDMENT) REGULATIONS 2018

2018 No. 92

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Ministry of Housing, 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”). These Regulations update the explanatory notes which must be published on an authority’s website in relation to non-domestic rating demand notices.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

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 bill”) or be published on the billing authority’s website. Part 1 of that Schedule applies to demand notices sent by a billing authority other than a rural settlement authority (to which Part 2 of Schedule 2 applies) or the Common Council (to which Part 3 of Schedule 2 applies). The explanatory notes, which are set out in each Part of Schedule 2, give the ratepayer information about non-domestic rates and the reliefs that are available.
- 4.2 To ensure rates bills contain up-to-date information, these Regulations amend the explanatory notes in Parts 1 and 3 of Schedule 2 to the 2003 Regulations to reflect changes to non-domestic rating which will have effect for the 2018-19 billing year.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is England and Wales.
- 5.2 The territorial application of this instrument is England only.

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

What is being done and why

- 7.1 The 2003 Regulations, amongst other things, set out the information that is to be contained in non-domestic rating demand notices and be published online. The explanatory notes which are required to be published on a billing authority's website 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 explanatory notes in Schedule 2 to the 2003 Regulations to reflect the changes that will apply for the 2018-19 billing year, such as the 2017 Spring Budget rate relief schemes and to improve the text in some places.

Consolidation

- 7.3 The Department does not intend to consolidate the 2003 Regulations.

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 2017 Spring Budget.

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 There is no impact on business, charities or voluntary bodies.
- 10.2 The impact on the public sector is that billing authorities must amend the information they provide to ratepayers in non-domestic rating demand notices. This is a usual aspect of the rating system.
- 10.3 An impact assessment has not been produced for this instrument because it amends an existing local tax regime. Publication of a full impact assessment is not necessary for such legislation

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses 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 Alex Lim at the Ministry of Housing, Communities and Local Government (Tel: 0303 44 43115 or email: alex.lim@communities.gsi.gov.uk) can answer any queries regarding the instrument.