
STATUTORY INSTRUMENTS

2023 No. 1251

RATING AND VALUATION, ENGLAND

The Non-Domestic Rating (Consequential and Other Amendments etc.) (England) Regulations 2023

<i>Made</i>	- - - -	<i>21st November 2023</i>
<i>Laid before Parliament</i>		<i>23rd November 2023</i>
<i>Coming into force</i>	- -	<i>1st April 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 42(5), 47(8), 55(2) and (7), 64(3), 143(1) and (2), 147(1) of, and paragraph 4(1)(c) of Schedule 5A to, the Local Government Finance Act 1988(1), section 236(1) of the Localism Act 2011(2) and section 17(2) of the Non-Domestic Rating Act 2023(3).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Non-Domestic Rating (Consequential and Other Amendments etc.) (England) Regulations 2023 and come into force on 1st April 2024.

(2) These Regulations extend to England and Wales.

Amendment of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989

2. In regulation 3 (interpretation and application of Part 2) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989(4)—

(a) in paragraph (1), in paragraph (a)(i) of the definition of “the amount payable”, for the words from “section 43(4)” to “the Act)” substitute “any provision of or made under Schedule 4ZA, 4ZB or 7A to the Act(5)”;

(b) in paragraph (2), for “section 45A of” substitute “paragraph 2 of Schedule 4ZB to”.

(1) 1988 c. 41. Section 55(7) was amended by paragraph 1 of Schedule 10 to the Local Government Finance Act 1992 (c. 14). Schedule 5A was inserted by section 3(3) of the Non-Domestic Rating Act 2023 (c. 53). See paragraph 7 of Schedule 5A for the definition of “the appropriate national authority”.

(2) 2011 c. 20.

(3) 2023 c. 53. See section 17(3) for the definition of “the appropriate national authority”.

(4) S.I. 1989/1058; relevant amending instruments are S.I. 1991/141, 1993/616, 1993/1493, 2008/428 and 2010/187.

(5) Schedules 4ZA and 4ZB were inserted into the Local Government Finance Act 1988 (c. 41) by sections 1(3) and 2(4) of the Non-Domestic Rating Act 2023 respectively. Schedule 7A was inserted by paragraph 79(3) of Schedule 5 to the Local Government and Housing Act 1989 (c. 42).

Amendment of the Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989

3. In regulation 3 of the Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989(6), for “a valuation and community charge tribunal” substitute “the Valuation Tribunal for England(7)”.

Amendment of the Non-Domestic Rating (Miscellaneous Provisions) (No. 2) Regulations 1989

4. In regulation 5(5) (docks and harbours undertakings) of the Non-Domestic Rating (Miscellaneous Provisions) (No. 2) Regulations 1989(8), in the definition of “subsidiary”, for “section 736 of the Companies Act 1985” substitute “section 1159 of the Companies Act 2006(9)”.

Amendment of the Non-Domestic Rating (Collection and Enforcement) (Miscellaneous Provisions) Regulations 1990

5. In regulation 3(7) (joint owners and occupiers) of the Non-Domestic Rating (Collection and Enforcement) (Miscellaneous Provisions) Regulations 1990(10)—

- (a) in sub-paragraph (a), for “section 43(6)(a), 45A(2)(a) and 47(2)(a) of” substitute “paragraph 2(2)(a) of Schedule 4ZA and paragraph 2(2)(a) of Schedule 4ZB to”;
- (b) in sub-paragraph (b), for “section 43(6)(b), 45A(3)(a) and 47(2)(ba) of” substitute “paragraph 2(2)(b) of Schedule 4ZA and paragraph 2(2)(b) of Schedule 4ZB to”.

Amendment of the Non-Domestic Rating (Payment of Interest) Regulations 1990

6. In regulation 4(2)(b)(i) (rates of interest) of the Non-Domestic Rating (Payment of Interest) Regulations 1990(11), for “Part 4” substitute “Part 4A”.

Amendment of the Non-Domestic Rating (Rural Settlements) (England) Order 1997

7. In article 3 (rateable value limits) of the Non-Domestic Rating (Rural Settlements) (England) Order 1997(12)—

- (a) in paragraph (1), for the words from “the rateable value” to “hereditaments) of” substitute “A for the purposes of paragraph 8(1)(c) (rural rate relief) of Schedule 4ZA to”;
- (b) omit paragraph (2);
- (c) after paragraph (3), insert—

“(4) In this regulation “A” has the meaning given in paragraph 10(2) of Schedule 4ZA to the 1988 Act.”.

Amendment of the Non-Domestic Rating (Public Houses and Petrol Filling Stations) (England) Order 2001

8. In regulation 2 (condition for relief) of the Non-Domestic Rating (Public Houses and Petrol Filling Stations) (England) Order 2001(13), for “section 43(6B)(c)(ii)” substitute “paragraph 8(1) (d)(ii) of Schedule 4ZA to the Local Government Finance Act 1988”.

(6) S.I. 1989/1060, amended by S.I. 2009/1307; there are other amending instruments but none is relevant.

(7) The Valuation Tribunal for England was established by paragraph A1 of Schedule 11 to the Local Government Finance Act 1988.

(8) S.I. 1989/2303, to which there are amendments not relevant to these Regulations.

(9) 2006 c. 46.

(10) S.I. 1990/145, amended by S.I. 2008/428; there are other amending instruments but none is relevant.

(11) S.I. 1990/1904; relevant amending instruments are S.I. 1991/2111 and 2001/3649.

(12) S.I. 1997/2792, amended by S.I. 2001/1346, 2009/3176.

(13) S.I. 2001/1345, to which there are amendments not relevant to these Regulations.

Amendment of the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003

9.—(1) Schedule 2 (matters to be contained in rate demand notices and publication of explanatory notes) to the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003⁽¹⁴⁾ is amended as follows.

(2) In Part 1—

(a) in paragraph 4—

(i) for the words from “an order” to “the 1988 Act is” substitute “regulations under paragraph 1(2) of Schedule 4ZB to the 1988 Act are”;

(ii) for “the order” substitute “the regulations”;

(b) in paragraph 5—

(i) for “section 45A” substitute “paragraph 2 of Schedule 4ZB to the 1988 Act”;

(ii) for “section 45(4)” substitute “paragraph 1(1)(a) of Schedule 4ZB to the 1988 Act”;

(c) in paragraph 6—

(i) in sub-paragraph (a), for “section 43(4A) or (5) of” substitute “paragraph 2(1)(a) or 4(1)(a) of Schedule 4ZA to”;

(ii) in sub-paragraph (b), for “section 44(2) and (2A) of” substitute “paragraph 10(2) and (2A), or paragraph 10(2) to (2C), of Schedule 4ZA to⁽¹⁵⁾”;

(iii) in the words after sub-paragraph (c)—

(aa) for “section 43(4)” substitute “paragraph 1(a) of Schedule 4ZA to the 1988 Act”;

(bb) for “section 44(2)” substitute “paragraph 10(2) of Schedule 4ZA to that Act”.

(3) In Part 2—

(a) in the opening paragraph, for paragraph (a) substitute—

“(a) in paragraph 6(a) for the words from “calculated” to “4(1)(a)” there were substituted “determined in accordance with paragraph 5”, and”;

(b) in the note headed “Rate Relief for Businesses in Rural Areas”—

(i) for “a discount” substitute “full relief”;

(ii) omit the words from “An eligible” to “eligible ratepayers.”.

Amendment of the Non-Domestic Rating (Unoccupied Property) (England) Regulations 2008

10. After regulation 4 of the Non-Domestic Rating (Unoccupied Property) (England) Regulations 2008⁽¹⁶⁾, insert—

“Hereditaments prescribed for the purposes of paragraph 4(1)(c) of Schedule 5A to the Act

4A. The class of non-domestic hereditaments prescribed for the purposes of paragraph 4(1)(c) of Schedule 5A to the Act consists of—

⁽¹⁴⁾ S.I. 2003/2613; relevant amending instruments are S.I. 2008/387, 2010/187, 2013/694, 2015/427, 2016/316, 2017/39, 2018/92, 2019/101, 2020/133 and 2023/13.

⁽¹⁵⁾ Section 44A(7) and (9) of the Local Government Finance Act 1988 modifies paragraph 10(2) of Schedule 4ZA when the conditions in subsections (6) or (8) are met. Section 44A(6) to (9) was amended by paragraph 2 of the Schedule to the Non-Domestic Rating Act 2023.

⁽¹⁶⁾ S.I. 2008/386 amended by S.I. 2010/408, 2015/1641 and 2017/102.

- (a) all non-domestic hereditaments which are not a relevant non-domestic hereditament, and
- (b) all relevant non-domestic hereditaments which are described in regulation 4.”.

Amendment of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009

11. In regulation 6A(1) (proposals made on ground in regulation 4(1)(b)) of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009⁽¹⁷⁾, after “paragraph 2(7)(d)” insert “, (da)”.

Amendment of the Non-Domestic Rating (Transitional Protection Payments) Regulations 2013

12. In the Non-Domestic Rating (Transitional Protection Payments) Regulations 2013⁽¹⁸⁾, in regulations 2(2) (rules for calculation of deemed rating income) and 3(2) (rules for calculation of actual rating income)—

- (a) for sub-paragraphs (b) and (c) substitute—
 - “(b) the conditions prescribed for the purposes of paragraph 4(2) of Schedule 4ZA to the 1988 Act (small business rate relief) are fulfilled and the value of E in paragraph 4(1) of Schedule 4ZA to that Act is 1;
 - (c) paragraphs 2(2) (charitable rate relief), 7 (public lavatories relief) and 8(1) (rural rate relief) of Schedule 4ZA to the 1988 Act do not apply;”;
- (b) omit sub-paragraph (e).

Amendment of the Non-Domestic Rating (Levy and Safety Net) Regulations 2013

13. In paragraph 1 of Schedule 1 (calculation of retained rates income) to the Non-Domestic Rating (Levy and Safety Net) Regulations 2013⁽¹⁹⁾—

- (a) in sub-paragraph (4A)(b), for “section 43(4A) to (4D) of” substitute “paragraph 4 of Schedule 4ZA to”;
- (b) in sub-paragraph (4D)(b), for “section 43(4I)” substitute “paragraph 7 of Schedule 4ZA to the 1988 Act”.

Amendment of the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2022

14.—(1) The Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2022⁽²⁰⁾ are amended as follows.

- (2) In regulation 6 (special authorities)—
 - (a) in paragraph (4), for the words from “section 43(6)” to “sports clubs)” substitute “paragraph 2 of Schedule 4ZA to the Act (charitable rate relief)”;
 - (b) in paragraph (6), for “section 43(4B) of” substitute “paragraph 4 of Schedule 4ZA to”;
 - (c) omit paragraphs (7) and (8);
 - (d) in paragraph (10)(b), for “an order by the Secretary of State under section 45(4A) of” substitute “regulations under paragraph 1(2)(a) of Schedule 4ZB to”;

⁽¹⁷⁾ S.I. 2009/2268. Regulation 6A was inserted by S.I. 2017/155.

⁽¹⁸⁾ S.I. 2013/106, amended by S.I. 2023/268; there are other amending instruments but none is relevant.

⁽¹⁹⁾ S.I. 2013/737; relevant amending instruments are S.I. 2014/822, 2015/2039, 2018/463, 2019/709, 2020/1357, 2022/189 and 2023/268.

⁽²⁰⁾ S.I. 2022/1403, amended by Part 2 of the Schedule to the Non-Domestic Rating Act 2023.

- (e) in paragraph (12), for the words from “section 43(4I)” to the end substitute “paragraphs 6 (heat networks rate relief), 7 (public lavatories rate relief) or 8 (rural rate relief) of Schedule 4ZA, or paragraph 2 of Schedule 4ZB (charitable rate relief), to the Act”;
- (f) in paragraph (14)—
 - (i) in the definition of “E”, for “under section 44(9)(a) of” substitute “, or calculated in accordance with provision prescribed, under paragraph 10(6) of Schedule 4ZA to”;
 - (ii) in the definition of “Z”, for “an order by the Secretary of State under section 45(4A) of” substitute “regulations under paragraph 3(9) of Schedule 4ZB to”.
- (3) In regulation 11(3) (application of regulation 12), for the words from “section 43(4I)” to the end substitute “paragraphs 6 (heat networks rate relief), 7 (public lavatories rate relief) or 8 (rural rate relief) of Schedule 4ZA, or paragraph 2 of Schedule 4ZB (charitable rate relief), to the Act”.
- (4) In regulation 12 (rules for determining chargeable amount)—
 - (a) in paragraph (1), for “section 54(4) of” substitute “paragraph 1(a) of Schedule 5A to”;
 - (b) in paragraph (5), for the words from “section 43(6)” to “sports clubs)” substitute “paragraph 2 of Schedule 4ZA to the Act (charitable rate relief)”;
 - (c) in paragraph (7), for “section 43(4B) of” substitute “paragraph 4 of Schedule 4ZA to”;
 - (d) omit paragraphs (8) and (9);
 - (e) in paragraph (10), for “an order by the Secretary of State under section 45(4A) of” substitute “regulations under paragraph 3(9) of Schedule 4ZB to”;
 - (f) in paragraph (11)(b), for “an order by the Secretary of State under section 45(4A)” substitute “regulations under paragraph 1(2)(a) of Schedule 4ZB”;
 - (g) in paragraph (12), in the definition of “E”, for “under section 44(9)(a) of” substitute “, or calculated in accordance with provision prescribed, under paragraph 10(6) of Schedule 4ZA to”.
- (5) In regulation 17(2) (partly occupied hereditaments), in the definition of “A”, for “section 44(2) of” substitute “paragraph 10(2) of Schedule 4ZA to”.
- (6) In the Schedule (splits and mergers)—
 - (a) in paragraph 4—
 - (i) in sub-paragraph (1)(d), for the words from “section 43(4I)” to “(unoccupied hereditaments: zero rating) of” substitute “paragraph 6 (heat networks rate relief), 7 (public lavatories rate relief) or 8 (rural rate relief) of Schedule 4ZA, or paragraph 2 of Schedule 4ZB (charitable rate relief), to”;
 - (ii) in sub-paragraph (4), for the words from “section 43(6)” to “sports clubs)” substitute “paragraph 2 of Schedule 4ZA to the Act (charitable rate relief)”;
 - (iii) in sub-paragraph (6), for “section 43(4B) of” substitute “paragraph 4 of Schedule 4ZA to”;
 - (iv) omit sub-paragraphs (7) and (8);
 - (v) in sub-paragraph (9), for “an order by the Secretary of State under section 45(4A) of” substitute “regulations under paragraph 3(9) of Schedule 4ZB to”;
 - (vi) in sub-paragraph (10)(b), for “an order by the Secretary of State under section 45(4A)” substitute “regulations under paragraph 1(2)(a) of Schedule 4ZB”;
 - (vii) in sub-paragraph (11)—
 - (aa) in the definition of “E”, for the words from “section 44(9)(a)” to “supplementary)” substitute “paragraph 10(6) of Schedule 4ZA to the Act”;
 - (bb) in the definition of “R”, for paragraph (c) substitute—

- “(c) the whole of the old hereditament were occupied and sections 47 (discretionary relief) and 49(1) (reduction or remission of liability) of, and paragraphs 2 (charitable rate relief) and 4 (small business rate relief) of Schedule 4ZA to, the Act did not apply to it for the creation day;”;
- (b) in paragraph 5—
- (i) in sub-paragraph (1)(d), for the words from “section 43(4I)” to “(unoccupied hereditaments: zero rating) of” substitute “paragraphs 6 (heat networks rate relief), 7 (public lavatories rate relief) or 8 (rural rate relief) of Schedule 4ZA, or paragraph 2 of Schedule 4ZB (charitable rate relief), to”;
 - (ii) in sub-paragraph (4), for the words from “section 43(6)” to “sports clubs)” substitute “paragraph 2 of Schedule 4ZA to the Act (charitable rate relief)”;
 - (iii) in sub-paragraph (6), for “section 43(4B) of” substitute “paragraph 4 of Schedule 4ZA to”;
 - (iv) omit sub-paragraphs (7) and (8);
 - (v) in sub-paragraph (9), for “an order by the Secretary of State under section 45(4A) of” substitute “regulations under paragraph 3(9) of Schedule 4ZB to”;
 - (vi) in sub-paragraph (10)(b), for “an order by the Secretary of State under section 45(4A)” substitute “regulations under paragraph 1(2)(a) of Schedule 4ZB”;
 - (vii) in sub-paragraph (11)—
 - (aa) in the definition of “E”, for the words from “section 44(9)(a)” to “supplementary)” substitute “paragraph 10(6) of Schedule 4ZA to the Act”;
 - (bb) in the definition of “R”, for paragraph (d) substitute—
 - “(d) sections 47 (discretionary relief) and 49(1) (reduction or remission of liability) of, and paragraphs 2 (charitable rate relief) and 4 (small business rate relief) of Schedule 4ZA to, the Act did not apply to them for the creation day;”;
- (c) in paragraph 8(3), in the definition of “T”, for paragraph (b) substitute—
- “(b) sections 47 (discretionary relief) and 49(1) (reduction or remission of liability) of, and paragraphs 2 (charitable rate relief), 4 (small business rate relief), 6 (heat networks rate relief) and 8 (rural rate relief) of Schedule 4ZA to, the Act did not apply to it for the creation day;”.

Savings

15. The amendments made by regulation 14 do not apply to the determination of the chargeable amount for a chargeable day before 1st April 2024.

Revocation

16. The Non-Domestic Rating (Discretionary Relief) Regulations 1989(21) are revoked in relation to England.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

21st November 2023

Simon Hoare
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and
Communities

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments which are consequential on the Non-Domestic Rating Act 2023 (c. 53) (the “2023 Act”). As part of the changes introduced by it, the 2023 Act repeals and re-enacts provisions of the Local Government Finance Act 1988 (c. 41) (the “1988 Act”). Regulations 2, 5, 7(a) and (c), 8, 9 and 11 to 14 of these Regulations amend several non-domestic rating instruments to update the references to the amended provisions of the 1988 Act. Regulation 15 makes a saving provision relating to the amendments to the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2022 (S.I. 2022/1403).

Regulations 3, 4 and 6 update other out of date statutory references contained within non-domestic rating instruments. These are unrelated to the 2023 Act.

Regulation 7(b) revokes a spent provision.

Regulation 10 prescribes a class of hereditaments for the purposes of central list unoccupied hereditaments rate relief, which is introduced by the 2023 Act. The prescribed class reflects the class of local list hereditaments which are not subject to a non-domestic rate when unoccupied.

Regulation 16 revokes the Non-Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1050) to remove constraints on the powers for local authorities in England to award discretionary relief.

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.