
WELSH STATUTORY INSTRUMENTS

2002 No. 331 (W.44)

RATING AND VALUATION, WALES

**The Non-Domestic Rating (Rural
Rate Relief) (Wales) Order 2002**

Made - - - - *13th February 2002*

Coming into force - - *1st April 2002*

The National Assembly for Wales makes the following Order in exercise of the powers given to the Secretary of State by sections 43(6B)(b) and (c)(ii) and 47(3A)(b) of the Local Government Finance Act 1988 (1) which are now vested in the National Assembly for Wales so far as exercisable in Wales(2).

Name, commencement and application

1.—(1) The name of this Order is the Non-Domestic Rating (Rural Rate Relief) (Wales) Order 2002 and it shall come into force on 1st April 2002.

(2) This Order applies to Wales only.

Interpretation

2. In this Order—

“1949 Act” (“*Deddf 1949*”) means the Wireless Telegraphy Act 1949(3);

“1984 Act” (“*Deddf 1984*”) means the Telecommunications Act 1984(4);

“1988 Act” (“*Deddf 1988*”) means the Local Government Finance Act 1988;

“automatic teller machine” (“*peiriant arian awtomatig*”) means an automated facility providing self-service access to a range of banking services;

“general store” (“*siop gyffredinol*”) means premises on which a trade or business consisting wholly or mainly of the sale by retail of both food for human consumption (other than confectionery) and general household goods is carried on;

(1) 1988 c. 41.

(2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(3) 1949 c. 54.

(4) 1984 c. 12.

“petrol filling station” (“*gorsaf betrol*”) means premises on which petrol or other automotive fuels are sold by retail to the general public for fuelling motor vehicles intended or adapted for use on roads;

“post office” (“*swyddfa bost*”) means premises which are used for the purposes of a universal service provider within the meaning given by the Postal Services Act 2000⁽⁵⁾ and in connection with the provision of a universal postal service within the meaning given by that Act:

“public house” (“*tafarn*”) means premises for which a justices' on-licence within the meaning given by the Licensing Act 1964⁽⁶⁾ (other than a Part IV licence within the meaning given by that Act) is required; and

“telecommunications apparatus” (“*offer telathrebu*”) includes—

- (a) telecommunications apparatus within the meaning given by Schedule 2 to the 1984 Act which is used, or designed for use, for
 - (i) wireless telegraphy within the meaning given by section 19 of the 1949 Act, or
 - (ii) broadcasting; and
- (b) structures in the nature of huts or other buildings (including structures forming part only of a building) used, or designed for use, solely to house apparatus falling within the description in paragraph (a);

together with any ancillary equipment occupied exclusively for the purposes of a person licensed for the running of a telecommunications system under section 1 of the 1949 Act or section 7 of the 1984 Act.

Rateable value limit

3. In relation to a hereditament shown in the local non-domestic rating list of a Welsh billing authority—

- (a) the amount prescribed for the purpose of section 43(6B)(b) of the 1988 Act is—
 - (i) in the case of a public house or a petrol filling station, £9,000; and
 - (ii) in any other case, £6,000; and
- (b) the amount prescribed for the purpose of section 47(3A)(b) of the 1988 Act is £12,000.

Conditions for relief

4. The conditions prescribed for the purpose of section 43(6B)(c)(ii) of the 1988 Act are that the hereditament—

- (a) is not used exclusively for—
 - (i) the display of advertisements, or
 - (ii) the parking of motor vehicles, or
 - (iii) telecommunications apparatus, or
 - (iv) an automatic teller machine;
- (b) is not used wholly or partly as a general store or post office; and
- (c) is not the property of the Crown.

⁽⁵⁾ 2000 c. 26. See section 4.

⁽⁶⁾ 1964 c. 26. See section 1.

Revocation

5. Article 3 of the Non-Domestic Rating (Rural Settlements) (Wales) Order 1998⁽⁷⁾ is revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁸⁾.

13th February 2002

John Marek
The Deputy Presiding Officer of the National
Assembly

(7) S.I. 1998/2963.
(8) 1998 c. 38.

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 Order)

Each county and county borough council in Wales (“billing authority”) is required by section 42A of the Local Government Finance Act 1988 (“the Act”) to compile and maintain for each chargeable financial year a list (“rural settlement list”) which identifies settlements which are wholly or partly within the authority’s area, appear to the authority to have had a population of not more than 3,000 on the 31st December immediately preceding the beginning of the chargeable financial year in question and are in that financial year wholly or partly within an area designated by order as a rural area for the purposes of the section.

The rural areas in Wales which have been designated for the purposes of section 42A of the Act are those mentioned in the Schedule to the Non-Domestic Rating (Rural Settlements) (Wales) Order 1998 (“the 1998 Order”).

By virtue of the provisions of section 43(6A) and (6B) of the Act the chargeable amount of non-domestic rate for a chargeable day is reduced where on the day concerned the hereditament is within a settlement identified in the billing authority’s rural settlement list for the chargeable financial year and the rateable value of the hereditament shown in the local non-domestic rating list at the beginning of that year is not more than any amount prescribed by order and on the day concerned either the whole or part of the hereditament is used as a qualifying general store or qualifying post office or any conditions prescribed by order are satisfied.

By virtue of the provisions of section 47(1), (3) and (3A) of the Act the chargeable amount for a chargeable day may be reduced if, during a period which consists of or includes the chargeable day, a decision of the billing authority concerned operates to the effect that section 47 applies as regards the hereditament concerned and if on the chargeable day the hereditament is within a settlement identified in the billing authority’s rural settlement list for the chargeable financial year in which that day falls and if the rateable value of the hereditament shown in the local non-domestic rating list at the beginning of the chargeable financial year is not more than any amount prescribed by order.

By Article 3 of the 1998 Order £5,000 is prescribed as the maximum amount of rateable value for the purpose of section 43(6B)(b) and £10,000 is prescribed as the maximum amount of rateable value for the purpose of section 47(3A)(b).

This Order revokes Article 3 of the 1998 Order and prescribes £9,000 (in the case of a public house or a petrol filling station) and £6,000 (in any other case) as the maximum amount for the purpose of section 43(6B)(b) and £12,000 as the maximum amount for the purpose of section 47(3A)(b).

In addition the Order extends the availability of mandatory rate relief under section 43(6A) by prescribing for the purpose of section 43(6B)(c)(ii) the conditions that the hereditament is not used exclusively for the display of advertisements or the parking of motor vehicles or for telecommunications apparatus or an automatic teller machine and is not used wholly or partly as a general store or post office and is not the property of the Crown.