
WELSH STATUTORY INSTRUMENTS

2017 No. 113 (W. 39)

RATING AND VALUATION, WALES

The Non-Domestic Rating (Demand Notices) (Wales) Regulations 2017

<i>Made</i>	- - - -	<i>8 February 2017</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>10 February 2017</i>
<i>Coming into force</i>	- -	<i>13 March 2017</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 62, 143(1) and (2) and 146(6) of, and paragraphs 1, 2(2)(ga), (gc), (ge) and (h) and 6A of Schedule 9 to, the Local Government Finance Act 1988(1), and now vested in them(2).

Title, commencement and application

1.—(1) The title of these Regulations is the Non-Domestic Rating (Demand Notices) (Wales) Regulations 2017.

(2) These Regulations come into force on 13 March 2017.

(3) These Regulations apply in relation to demand notices which relate to financial years beginning on or after 1 April 2017 and are issued by or on behalf of Welsh billing authorities.

Commencement Information

II [Reg. 1](#) in force at 13.3.2017, see [reg. 1\(2\)](#)

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- (1) [1988 c. 41](#). Paragraph 1 of Schedule 9 was amended by Schedule 13 to the Tribunals, Courts and Enforcement Act [2007 \(c. 15\)](#). Paragraph 2(2)(g) to (ge) of Schedule 9 was inserted by paragraph 44(2) of Schedule 5 to the Local Government and Housing Act [1989 \(c. 42\)](#) (“the 1989 Act”). Paragraph 2(2)(h) of Schedule 9 was amended by paragraph 44(3) of Schedule 5 to the 1989 Act and by section 8(3) of the Local Government Finance Act [2012 \(c. 17\)](#). Paragraph 6A of Schedule 6A was inserted by paragraph 87 of Schedule 13 to the 1992 Act.
- (2) The powers of the Secretary of State were transferred, in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)). The functions of the National Assembly for Wales were subsequently transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act [2006 \(c. 32\)](#).

Status: Point in time view as at 19/01/2024.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Non-Domestic Rating (Demand Notices) (Wales) Regulations 2017*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Interpretation

2. In these Regulations—

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

“the 1992 Act” (“*Deddf 1992*”) means the Local Government Finance Act 1992(3);

“billing authority” (“*awdurdod bilio*”) means a Welsh billing authority;

“community council” (“*cyngor cymuned*”), in relation to a billing authority, means a community council which has power to issue a precept to the billing authority;

“demand notice” (“*hysbysiad galw am dalu*”) means a demand notice within the meaning of Part II of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989(4) which is served by a billing authority or any person authorised by a billing authority to exercise any functions relating to collection of non-domestic rates (including such a notice served pursuant to Part II of the Non-Domestic Rating (Collection and Enforcement) (Miscellaneous Provisions) Regulations 1990(5) (joint owners and occupiers));

“police and crime commissioner” (“*comisiynydd heddlu a throseddu*”), in relation to a billing authority, means the police and crime commissioner which has power to issue a precept to the billing authority;

“the relevant year” (“*y flwyddyn berthnasol*”) means the financial year to which the demand for payment made by the demand notice relates.

Commencement Information

I2 [Reg. 2](#) in force at 13.3.2017, see [reg. 1\(2\)](#)

Content of demand notices

3.—(1) A demand notice must contain the matters prescribed in Schedule 1.

(2) Nothing in this regulation requires a notice to be given on a single sheet of paper, but if more than one sheet is used, the sheets must be issued together, whether or not attached, so as to comprise one notice.

Commencement Information

I3 [Reg. 3](#) in force at 13.3.2017, see [reg. 1\(2\)](#)

Invalid demand notices

4.—(1) For the purpose of this regulation an “invalid notice” (“*hysbysiad annilys*”) means a demand notice that does not comply with regulation 3(1).

(2) A requirement to pay amounts contained in an invalid demand notice applies as if the notice was valid if—

(a) the failure to comply with regulation 3(1) was due to a mistake; and

(3) 1992 c. 14.

(4) S.I. 1989/1058, as amended by S.I. 1990/145, 1991/141, 1992/1512, 1993/616, 1993/774, 1993/1493, 2009/461 (W. 48), 2010/2222 (W. 194) and 2012/466 (W. 77).

(5) S.I. 1990/145, as amended by S.I. 1993/616 and 2014/600.

(b) the amounts required to be paid under the invalid demand notice were demanded in accordance with Part II of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989.

(3) A billing authority must, as soon as practicable after the mistake is discovered, issue to the ratepayer concerned a statement of the matters prescribed in Schedule 1 which were not contained in the invalid notice.

Commencement Information

I4 [Reg. 4](#) in force at 13.3.2017, see [reg. 1\(2\)](#)

Demand notices: explanatory, financial and other information

5.—(1) A demand notice must be accompanied by—

- (a) the explanatory information in the form of words prescribed in Schedule 2, and
- (b) the information prescribed in Part 1 of Schedule 3.

(2) Part 2 of Schedule 3 has effect for the purposes of Part 1 of that Schedule.

(3) Paragraph (1)(b) does not apply where a demand notice is served after the end of the relevant year.

Commencement Information

I5 [Reg. 5](#) in force at 13.3.2017, see [reg. 1\(2\)](#)

Supply of information by police and crime commissioners

6.—(1) On issuing a precept to a billing authority for a financial year a police and crime commissioner must supply the billing authority with information as to—

- (a) the estimates mentioned in paragraph 1 of Part 1 of Schedule 3, and
- (b) the matters mentioned in paragraphs 2, 3 and 4 of Part 1 of Schedule 3.

(2) Paragraph (1) does not apply—

- (a) where the information would repeat information given as regards a precept issued for the preceding financial year, or
- (b) to a substitute precept.

(3) Where a police and crime commissioner has issued a substitute precept to a billing authority the police and crime commissioner must supply the information specified in paragraph (1) in respect of that substitute precept where—

- (a) the billing authority notifies the police and crime commissioner that it has set, or proposes to set, an amount of council tax under section 31 of the 1992 Act⁽⁶⁾ by reference to the substitute precept, and
- (b) the information would not repeat information given as regards a precept issued for the preceding financial year.

⁽⁶⁾ As amended by paragraph 2(2) to (5) of Schedule 6 and paragraph 9 of Schedule 7 to the Localism Act 2011 (c. 20).

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Commencement Information

I6 [Reg. 6](#) in force at 13.3.2017, see [reg. 1\(2\)](#)

Revocation and savings provision

7. The instruments specified in column (1) of the table in Schedule 4 are revoked to the extent indicated in column (3) but continue to apply to a financial year ending on or before 31 March 2017.

Commencement Information

I7 [Reg. 7](#) in force at 13.3.2017, see [reg. 1\(2\)](#)

Consequential provision

8. In regulation 1(2) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 in the definition of “demand notice regulations”, for “the Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993(7)” substitute “the Non-Domestic Rating (Demand Notices) (Wales) Regulations 2017”.

9.—(1) Article 66 (contents of demand notices—Wales) of the Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996(8) is amended as follows.

(2) In paragraph (1)—

(a) for the definition of “the 1993 Regulations” substitute—

““the 2017 Regulations” means the Non-Domestic Rating (Demand Notices) (Wales) Regulations 2017”; and

(b) for the definition of “rate demand notice” substitute—

““demand notice” has the same meaning as in the 2017 Regulations”.

(3) In paragraph (3), for “1993” substitute “2017”.

(4) In paragraph (3)(b), omit “Part I or, as the case may be, Part II of”.

(5) In paragraph (3)(c), for “Part I” substitute “Part 1”.

10.—(1) Regulation 9 of the Non-Domestic Rating (Deferred Payments) (Wales) Regulations 2012(9) is amended as follows.

(2) In both the heading and the body of the regulation, for “1993” substitute “2017”.

(3) For “the Collection Regulations” substitute “the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989”.

Commencement Information

I8 [Reg. 8](#) in force at 13.3.2017, see [reg. 1\(2\)](#)

I9 [Reg. 9](#) in force at 13.3.2017, see [reg. 1\(2\)](#)

I10 [Reg. 10](#) in force at 13.3.2017, see [reg. 1\(2\)](#)

(7) [S.I. 1993/252](#).

(8) [S.I. 1996/1880](#).

(9) [S.I. 2012/466 \(W. 77\)](#).

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Mark Drakeford
Cabinet Secretary for Local Government and
Finance, one of the Welsh Ministers

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SCHEDULE 1

Regulation 3

Matters to be contained in demand notices

1. The address and a description of each hereditament to which the demand notice relates (“relevant hereditament”).

Commencement Information

I11 Sch. 1 para. 1 in force at 13.3.2017, see **reg. 1(2)**

2. The rateable value shown for each relevant hereditament in the authority’s local non-domestic rating list.

Commencement Information

I12 Sch. 1 para. 2 in force at 13.3.2017, see **reg. 1(2)**

3. The non-domestic rating multiplier calculated for the relevant year in accordance with paragraph 3B or, as the case may be, paragraph 4B of Part I of Schedule 7 to the 1988 Act⁽¹⁰⁾.

Commencement Information

I13 Sch. 1 para. 3 in force at 13.3.2017, see **reg. 1(2)**

4. Where [^{F1}an order under section 45(4A) of the 1988 Act is] or will be in force on any day in the relevant year, a statement of the days, if any, on which, for the purposes of calculating the payments required to be made under the demand notice, it was understood or assumed that the conditions mentioned in section 45(1) of the 1988 Act⁽¹¹⁾ were or would be fulfilled in relation to any relevant hereditament, and a statement that as regards those days the chargeable amount is reduced by the proportion provided for in the [^{F2}order as compared with the amount it would be if section 45(4) of] the 1988 Act⁽¹²⁾ applied to the calculation of the chargeable amount for those days.

Textual Amendments

F1 Words in Sch. 1 para. 4 substituted (19.1.2024) by *The Non-Domestic Rating (Miscellaneous and Consequential Amendments to Secondary Legislation) (Wales) Regulations 2024* (S.I. 2024/37), regs. 1(3), 3(2)(a)

F2 Words in Sch. 1 para. 4 substituted (19.1.2024) by *The Non-Domestic Rating (Miscellaneous and Consequential Amendments to Secondary Legislation) (Wales) Regulations 2024* (S.I. 2024/37), regs. 1(3), 3(2)(b)

Commencement Information

I14 Sch. 1 para. 4 in force at 13.3.2017, see **reg. 1(2)**

5. Where [^{F3}section 45A of] the 1988 Act⁽¹³⁾ applies to any relevant hereditament on any day in the relevant year, a statement as regards those days the chargeable amount is zero under that section

⁽¹⁰⁾ Paragraphs 3B and 4B of Schedule 7 to the 1988 Act were inserted by section 62 of the Local Government Act 2003 (c. 26).

⁽¹¹⁾ Section 45(1) of the 1988 Act was amended by paragraph 23 of Schedule 5 to the 1989 Act.

⁽¹²⁾ Section 45(4) of the 1988 Act was inserted by section 1(1) of the Rating (Empty Properties) Act 2007.

⁽¹³⁾ Section 45A of the 1988 Act was inserted by section 1(2) of the Rating (Empty Properties) Act 2007.

and a statement of the amount which would have been demanded if [^{F4}section 45(4) of] the 1988 Act applied to the calculation of the chargeable amount for those days.

Textual Amendments

- F3** Words in Sch. 1 para. 5 substituted (19.1.2024) by [The Non-Domestic Rating \(Miscellaneous and Consequential Amendments to Secondary Legislation\) \(Wales\) Regulations 2024 \(S.I. 2024/37\)](#), regs. 1(3), **3(3)(a)**
- F4** Words in Sch. 1 para. 5 substituted (19.1.2024) by [The Non-Domestic Rating \(Miscellaneous and Consequential Amendments to Secondary Legislation\) \(Wales\) Regulations 2024 \(S.I. 2024/37\)](#), regs. 1(3), **3(3)(b)**

Commencement Information

- I15** Sch. 1 para. 5 in force at 13.3.2017, see [reg. 1\(2\)](#)

6. A statement of the days, if any, on which, for the purposes of calculating the payments required to be made under the demand notice, it was understood or assumed that—

- (a) the chargeable amount would fall to be calculated under [^{F5}section 43(4A)(b) or (5) of] the 1988 Act(**14**);
- (b) the chargeable amount would fall to be calculated by reference to [^{F6}section 44(2) and (2A) of] the 1988 Act as substituted by section 44A(7) or (9) of that Act(**15**); or
- (c) rules under section 47(1)(a) or [^{F7}58(3)] of the 1988 Act(**16**) would apply;

together with a statement of the manner in which the chargeable amount for those days was calculated and of the amount by which the aggregate amount demanded under the demand notice is reduced as compared with the amount which would have been demanded if [^{F8}section 43(4), without modification, and (so far as is relevant) section 44(2)] without substitution, applied to the calculation of the chargeable amount for those days.

Textual Amendments

- F5** Words in Sch. 1 para. 6(a) substituted (19.1.2024) by [The Non-Domestic Rating \(Miscellaneous and Consequential Amendments to Secondary Legislation\) \(Wales\) Regulations 2024 \(S.I. 2024/37\)](#), regs. 1(3), **3(4)(a)**
- F6** Words in Sch. 1 para. 6(b) substituted (19.1.2024) by [The Non-Domestic Rating \(Miscellaneous and Consequential Amendments to Secondary Legislation\) \(Wales\) Regulations 2024 \(S.I. 2024/37\)](#), regs. 1(3), **3(4)(b)**
- F7** Word in Sch. 1 para. 6(c) substituted (27.10.2023 at 8.00 p.m.) by [The Non-Domestic Rating Act 2023 \(Consequential Amendments to Secondary Legislation\) \(Wales\) Regulations 2023 \(S.I. 2023/1154\)](#), regs. 1(3), **4(4)(c)**
- F8** Words in Sch. 1 para. 6 substituted (19.1.2024) by [The Non-Domestic Rating \(Miscellaneous and Consequential Amendments to Secondary Legislation\) \(Wales\) Regulations 2024 \(S.I. 2024/37\)](#), regs. 1(3), **3(4)(c)**

Commencement Information

- I16** Sch. 1 para. 6 in force at 13.3.2017, see [reg. 1\(2\)](#)

(14) Section 43(4A) was inserted by section 61 of the Local Government Act 2003.

(15) Section 44A was inserted by section 139 of, and paragraph 22 of Schedule 5 to, the 1989 Act. Section 44A(9) was amended by paragraph 1(4) of Schedule 1 to the Rating (Empty Properties) Act 2007.

(16) Section 47(1)(a) was amended by paragraph 65 of Schedule 13 to the 1992 Act and section 69 of the Localism Act 2011.

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SCHEDULE 2

Regulation 5

Commencement Information

I17 Sch. 2 in force at 13.3.2017, see **reg. 1(2)**

1. The form of words set out below is prescribed for the purposes of regulation 5—

EXPLANATORY NOTES

The information given below explains some of the terms which may be used on a non-domestic rate demand and in the supporting information. Further information about liability to non-domestic rates may be obtained from billing authorities.

Non-domestic rates

The non-domestic rates collected by billing authorities are paid into a central pool and redistributed to county and county borough councils and police and crime commissioners. Your council and police and crime commissioner use their shares of redistributed rate income, together with income from their council tax payers, revenue support grant provided by the Welsh Ministers and certain other sums, to pay for the services they provide. Further information about the non-domestic rates system, including what reliefs are available may be obtained via <https://businesswales.gov.wales/>

Rateable value

The rateable value of non-domestic property is fixed in most cases by an independent valuation officer of the Valuation Office Agency which is an Executive Agency of Her Majesty's Revenue and Customs (HMRC). They compile and maintain a full list of the rateable values of all non-domestic properties in Wales, available on their website at www.gov.uk/government/organisations/valuation-office-agency. All non-domestic property is normally revalued every 5 years. From 1 April ^{[F9]2023} the rateable value of a property represents its annual open market rental value as at 1 April ^{[F9]2021}.

Textual Amendments

F9 Words in **Sch. 2 para. 1** substituted (with application in accordance with reg. 1(3) of the amending S.I.) by **The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2023 (S.I. 2023/3)**, regs. **1(2)**, **2(2)**

For composite properties which are partly domestic and partly non-domestic the rateable value relates to the non-domestic part only. The values of all property in respect of which rates are payable to your authority are shown in the local rating list, a copy of which may be inspected at *name and address of local valuation office and name and address of billing authority*.

Textual Amendments

F9 Words in **Sch. 2 para. 1** substituted (with application in accordance with reg. 1(3) of the amending S.I.) by **The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2023 (S.I. 2023/3)**, regs. **1(2)**, **2(2)**

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Revaluation

All rateable values are reassessed at a general revaluation to ensure rates paid by any one ratepayer reflect changes over time in the value of their property relative to others. This helps maintain fairness in the rating system by updating valuations in line with changes in the market. The current rating list came into effect on 1 April [^{F10}2023] and is based on values as at 1 April [^{F10}2021].

Textual Amendments

F10 Words in [Sch. 2 para. 1](#) substituted (with application in accordance with reg. 1(3) of the amending S.I.) by [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/3\)](#), regs. 1(2), **2(3)**

In the year a revaluation takes effect, the multiplier is rebased to account for overall changes to total rateable value and to ensure that the revaluation does not raise extra money.

Textual Amendments

F10 Words in [Sch. 2 para. 1](#) substituted (with application in accordance with reg. 1(3) of the amending S.I.) by [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/3\)](#), regs. 1(2), **2(3)**

Alteration of rateable value

The rateable value may alter if the valuation officer believes that the circumstances of the property have changed. The ratepayer (and certain others who have an interest in the property) may also in certain circumstances propose a change in value.^{F11}... Further information about how to propose a change in a rateable value is available from valuation offices.

Textual Amendments

F11 Words in [Sch. 2 para. 1](#) omitted (with application in accordance with reg. 1(3) of the amending S.I.) by virtue of [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/3\)](#), regs. 1(2), **2(4)**

Textual Amendments

F11 Words in [Sch. 2 para. 1](#) omitted (with application in accordance with reg. 1(3) of the amending S.I.) by virtue of [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/3\)](#), regs. 1(2), **2(4)**

Non-domestic rating multiplier

This is the rate in the pound by which the rateable value is multiplied to give the annual rate bill for a property. The multiplier set annually by the Welsh Ministers is the same for the whole of Wales ^{F12}....

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Textual Amendments

F12 Words in [Sch. 2 para. 1](#) omitted (with application in accordance with reg. 1(3) of the amending S.I.) by virtue of [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/3\)](#), regs. 1(2), **2(5)**

Textual Amendments

F12 Words in [Sch. 2 para. 1](#) omitted (with application in accordance with reg. 1(3) of the amending S.I.) by virtue of [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/3\)](#), regs. 1(2), **2(5)**

Proposals and appeals

Information about the circumstances in which a change in rateable value may be proposed and how such a proposal may be made is available from the local valuation office shown above. Further information about the appeal arrangements may be obtained from *name of billing authority* or from the Valuation Office Agency.

The Valuation Tribunal for Wales provides a free independent appeals service dealing with appeals about Non-Domestic Rates and Council Tax. Their contact details can be found here <http://www.valuation-tribunals-wales.org.uk/home.html>

Unoccupied property rating

Owners of unoccupied non-domestic properties may be liable to empty property rates which are charged at 100% of the normal liability. Liability begins after the property has been empty for 3 months or, in the case of certain industrial properties, after the property has been empty for 6 months. Certain types of property are exempt from empty property rates.

Charitable and discretionary relief

Charities and community amateur sports clubs are entitled to 80% relief from rates on any non-domestic property where—

- (a) in the case of charities, the property is wholly or mainly used for charitable purposes; or
- (b) in the case of a club, the club is registered with HM Revenue & Customs.

Billing authorities have discretion to remit all or part of the remaining 20% of the bill on such property and can also give relief in respect of property occupied by certain bodies not established or conducted for profit.

For more information regarding clubs you should contact *HM Revenue & Customs address*, (website is <http://www.hmrc.gov.uk>).

Small business rate relief

[^{F13}The Non-Domestic Rating (Small Business Relief) (Wales) Order 2017] makes provision for rates relief for small businesses. Full details including the eligibility criteria, the exceptions, the procedural requirements and the relevant rates reliefs are available from the billing authority.

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Textual Amendments

F13 Words in Sch. 2 substituted (23.2.2018 with application in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/122\)](#), [regs. 1\(2\), 2](#)

Textual Amendments

F13 Words in Sch. 2 substituted (23.2.2018 with application in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/122\)](#), [regs. 1\(2\), 2](#)

Transitional rate relief

The Non-Domestic Rating (Chargeable Amounts) (Wales) Regulations [^{F14}2022](**17**) make provision for transitional relief for ^{F15}... businesses adversely impacted by the revaluation of non-domestic hereditaments taking effect from 1 April [^{F16}2023]. Full details including the eligibility criteria, the exceptions, the procedural requirements and the relevant rates reliefs are available from the billing authority.

Textual Amendments

F14 Word in [Sch. 2 para. 1](#) substituted (with application in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/3\)](#), [regs. 1\(2\), 2\(6\)\(a\)](#)

F15 Word in [Sch. 2 para. 1](#) omitted (with application in accordance with [reg. 1\(3\)](#) of the amending S.I.) by virtue of [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/3\)](#), [regs. 1\(2\), 2\(6\)\(b\)](#)

F16 Word in [Sch. 2 para. 1](#) substituted (with application in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/3\)](#), [regs. 1\(2\), 2\(6\)\(c\)](#)

Textual Amendments

F14 Word in [Sch. 2 para. 1](#) substituted (with application in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/3\)](#), [regs. 1\(2\), 2\(6\)\(a\)](#)

F15 Word in [Sch. 2 para. 1](#) omitted (with application in accordance with [reg. 1\(3\)](#) of the amending S.I.) by virtue of [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/3\)](#), [regs. 1\(2\), 2\(6\)\(b\)](#)

F16 Word in [Sch. 2 para. 1](#) substituted (with application in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/3\)](#), [regs. 1\(2\), 2\(6\)\(c\)](#)

State aid

^{F17}

(17) S.I. 2016/1247 (W. 295).

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2. Italics in paragraph 1 above indicate words to be inserted.

Textual Amendments

F17 Words in Sch. 2 omitted (31.12.2020 with application in accordance with **reg. 1(3)** of the amending S.I.) by virtue of [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1250\)](#), regs. 1(2), **2**

Textual Amendments

F17 Words in Sch. 2 omitted (31.12.2020 with application in accordance with **reg. 1(3)** of the amending S.I.) by virtue of [The Non-Domestic Rating \(Demand Notices\) \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1250\)](#), regs. 1(2), **2**

SCHEDULE 3

Regulation 6

Financial and other information

PART 1

Information for supply with demand notices

1. The estimates of the billing authority and of the police and crime commissioner of the—
 - (a) aggregate of its gross expenditure for the relevant year for all services administered by it;
 - (b) allowance appropriate for contingencies and the contributions to or from financial reserves for the relevant year;
 - (c) amount of its financial reserves at the end of the relevant year;
 - (d) amount of its capital expenditure to be incurred in the relevant year;
 - (e) sums payable to it for the relevant year by way of—
 - (i) revenue support grant (or, if the amount of such grant falls to be adjusted following the approval by resolution of the National Assembly for Wales of an amending report under section 84L of the 1988 Act⁽¹⁸⁾, the amount which would be so payable but for that report);
 - (ii) additional grant;
 - (iii) redistributed non-domestic rates; and
 - (iv) police grant under section 46 of the Police Act 1996⁽¹⁹⁾;
 - (f) aggregate of its gross expenditure for the preceding year for all services administered by it; and
 - (g) amount of its financial reserves at the end of the preceding year.

⁽¹⁸⁾ Section 84L was originally inserted by paragraph 1 of Schedule 2 to the Local Government Act 2003 but subsequently substituted by paragraph 29 of Schedule 1 to the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388).

⁽¹⁹⁾ 1996 c. 16. As amended by section 24 of the Police Reform and Social Responsibility Act 2011 (c. 13) and section 142(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

Commencement Information

I18 Sch. 3 para. 1 in force at 13.3.2017, see [reg. 1\(2\)](#)

2. The amount calculated as its budget requirement for the relevant year—
 - (a) by the billing authority under section 32(4) of the 1992 Act; and
 - (b) by the police and crime commissioner under section 43(4) of the 1992 Act.

Commencement Information

I19 Sch. 3 para. 2 in force at 13.3.2017, see [reg. 1\(2\)](#)

3. The amount calculated for the relevant year by the billing authority and the police and crime commissioner as the amount of the difference (whether positive or negative) between—
 - (a) the amount of its budget requirement for that year; and
 - (b) the amount calculated by it for that year as the amount for item P in section 33(1) or, as the case may be, section 44(1) of the 1992 Act⁽²⁰⁾.

Commencement Information

I20 Sch. 3 para. 3 in force at 13.3.2017, see [reg. 1\(2\)](#)

4. The standard spending assessment for the billing authority and the police and crime commissioner for the relevant year.

Commencement Information

I21 Sch. 3 para. 4 in force at 13.3.2017, see [reg. 1\(2\)](#)

5. The amount of the precept anticipated by the billing authority for the relevant year, if any, pursuant to regulations under section 41(3) of the 1992 Act⁽²¹⁾.

Commencement Information

I22 Sch. 3 para. 5 in force at 13.3.2017, see [reg. 1\(2\)](#)

6. Where a body has issued a levy or special levy to the billing authority that was taken into account for the relevant year by the authority in making its estimate under section 32(2)(a) of the 1992 Act⁽²²⁾—
 - (a) the amount of the levy or special levy; and

⁽²⁰⁾ Section 33(1) was amended by paragraph 5(2) of Schedule 12 to the Local Government (Wales) Act 1994 (c. 19), paragraph 11 of Schedule 7 to the Localism Act 2011, regulation 4(1) of the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1994 (S.I. 1994/246), regulation 3 of the Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2012 (S.I. 2012/521) (W. 82) and regulation 3 of the Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2013 (S.I. 2013/216) (W. 28). Section 44(1) was amended by paragraph 21 of Schedule 7 to the Localism Act 2011, regulation 4(1) of S.I. 1994/246, regulation 5 of the Local Authorities (Alteration of Requisite Calculations and Funds) Regulations 1995 (S.I. 1995/234), regulation 5 of Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2010 (S.I. 2010/317) (W. 41), regulation 5 of Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2011 (S.I. 2011/446) (W. 67), S.I. 2012/521 (W. 82) and S.I. 2013/216 (W. 28).

⁽²¹⁾ As amended by paragraph 18(4) of Schedule 7 to the Localism Act 2011.

⁽²²⁾ As substituted by regulation 2 of the Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2013.

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(b) information as to whether any of it was treated as special expenses of the authority.

Commencement Information

I23 Sch. 3 para. 6 in force at 13.3.2017, see [reg. 1\(2\)](#)

7. The amount of any levy or special levy issued to a billing authority that was taken into account for the preceding year by the authority in making its estimate under section 32(2)(a) of the 1992 Act.

Commencement Information

I24 Sch. 3 para. 7 in force at 13.3.2017, see [reg. 1\(2\)](#)

8. The amount of the precept, if any, issued by each community council for—

- (a) the relevant year; and
- (b) the preceding year.

Commencement Information

I25 Sch. 3 para. 8 in force at 13.3.2017, see [reg. 1\(2\)](#)

PART 2

Interpretation etc.

9. For the purposes of paragraph 1(a) and (f) of Part 1, the gross expenditure in respect of a service for a year is the sum of all items charged to a revenue account for the year attributable to the service, but does not include allowances for contingencies or contributions to financial reserves.

Commencement Information

I26 Sch. 3 para. 9 in force at 13.3.2017, see [reg. 1\(2\)](#)

10. The estimates for the relevant year and for the preceding year, to be supplied pursuant to paragraph 1(a), (b), (c), (f) and (g) of Part 1 are—

- (a) as regards the billing authority, estimates made for the purposes of the calculations required by section 32 of the 1992 Act; and
- (b) as regards police and crime commissioners, estimates made for the purposes of the calculations required by section 43 of the 1992 Act.

Commencement Information

I27 Sch. 3 para. 10 in force at 13.3.2017, see [reg. 1\(2\)](#)

11. For the purposes of paragraph 1(d) of Part 1, capital expenditure is expenditure of the billing authority which—

- (a) falls to be capitalised in accordance with proper practices; or

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- (b) is treated as being capital expenditure by virtue of regulations or directions made by the Welsh Ministers under section 16(2) of the Local Government Act 2003.

Commencement Information

I28 Sch. 3 para. 11 in force at 13.3.2017, see [reg. 1\(2\)](#)

12. For the purposes of paragraph 4 of Part 1, the standard spending assessment for a billing authority and police and crime commissioner for the relevant year is the standard spending assessment for that body in the local government finance report for that year made by the Welsh Ministers under section 84G of the 1988 Act⁽²³⁾ and approved by resolution of the National Assembly for Wales.

Commencement Information

I29 Sch. 3 para. 12 in force at 13.3.2017, see [reg. 1\(2\)](#)

SCHEDULE 4

Regulation 7

Revocations and savings

Commencement Information

I30 Sch. 4 in force at 13.3.2017, see [reg. 1\(2\)](#)

<i>Instruments revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993	S.I. 1993/252	The whole of the regulations
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 1993	S.I. 1993/1506	The whole of the regulations
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 1994	S.I. 1994/415	The whole of the regulations
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 1995	S.I. 1995/284	The whole of the regulations
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 1996	S.I. 1996/311	The whole of the regulations
The Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996	S.I. 1996/1880	Article 75(2)

⁽²³⁾ Section 84G was originally inserted by paragraph 1 of Schedule 2 to the Local Government Act 2003 and later amended by paragraph 25 of Schedule 1 to [S.I. 2007/1388](#).

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<i>Instruments revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 1997	S.I. 1997/356	The whole of the regulations
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) (Rural Rate Relief) Regulations 1998	S.I. 1998/155	The whole of the regulations
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2000	S.I. 2000/793 (W. 30)	The whole of the regulations
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2003	S.I. 2003/414 (W. 59)	The whole of the regulations
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2005	S.I. 2005/256 (W. 22)	The whole of the regulations
The Non-Domestic Rating (Demand Notices and Discretionary Relief) (Wales) (Amendment) Regulations 2006	S.I. 2006/3392 (W. 311)	Regulation 3
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2007	S.I. 2007/3399 (W. 303)	The whole of the regulations
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2008	S.I. 2008/7 (W. 3)	The whole of the regulations
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment No. 2) Regulations 2008	S.I. 2008/3075 (W. 269)	The whole of the regulations
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2010	S.I. 2010/271 (W. 34)	The whole of the regulations
The Children and Families (Wales) Measure 2010 (Commencement No. 2, Savings and Transitional Provisions) Order 2010	S.I. 2010/2582 (W. 216)	Paragraph 2 of Schedule 4 to the Order
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2012	S.I. 2012/467 (W. 78)	The whole of the regulations
The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2015	S.I. 2015/655 (W. 52)	The whole of the regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the contents of non-domestic rates demand notices which are served by billing authorities in Wales, and for the information that must accompany a demand notice served by them. These Regulations apply in relation to demand notices issued in respect of financial years beginning on or after 1 April 2017.

These Regulations replace the Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993. The only substantive changes made are to the explanatory notes contained in Schedule 2. These changes are in consequence of the non-domestic rating revaluation which takes effect from 1 April 2017 and the related transitional relief provided by the Non-Domestic Rating (Chargeable Amounts) (Wales) Regulations 2016 ([S.I. 2016/1247 \(W. 295\)](#)).

Schedule 1 to these Regulations outlines matters that must be contained in a demand notice. These matters are particular to the hereditament concerned, such as its address and rateable value. Regulation 4 provides that where a billing authority has mistakenly failed to include any of those matters in a demand notice the demands for payment under it could still be effective. This would be the case if the amounts required under the demand notice were demanded in accordance with Part II of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 and were therefore properly calculated. The billing authority must rectify the mistake as soon as possible by providing the accurate information omitted from the original demand notice.

Schedule 2 prescribes explanatory notes which must accompany a demand notice. Schedule 3 prescribes further information which must accompany demand notices. Some of the information prescribed in Schedule 3 relates to police and crime commissioners. Regulation 6 therefore requires police and crime commissioners to supply billing authorities with the information to enable billing authorities to provide ratepayers with the information prescribed by Schedule 3.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

Status:

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