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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Non-Domestic Rating (Small Business Relief) (Wales) Order 2017 ([S.I. 2017/1229 \(W. 293\)](#)) (“the 2017 Order”). The 2017 Order provides for a non-domestic rate relief scheme (“the scheme”) which applies to certain categories of hereditament.

The effect of the amendments made by this Order is to ensure that hereditaments which are used exclusively for automatic teller machines do not benefit from small business rates relief under the scheme.

This follows the ruling of the High Court in *Cardtronics UK Limited v Pembrokeshire County Council* [2018] EWHC 1167 (Admin) that automatic teller machines were not “electronic communication apparatus” within the meaning of the Non-Domestic Rating (Small Business Relief) (Wales) Order 2015 ([S.I. 2015/229 \(W. 11\)](#)), and were therefore eligible for small business rates relief.

This Order amends article 2 of the 2017 Order by inserting a new definition of an “automatic teller machine” and includes that definition within the definition of “excepted hereditament”. This means that automatic teller machines will not be eligible for small business rates relief with effect from 1 April 2020.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.