
STATUTORY INSTRUMENTS

1995 No. 212

The Local Government Changes for England (Non-Domestic Rating, Collection and Enforcement and Discretionary Relief) Regulations 1995

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

Billing authorities

3. For the purposes of the 1989 Regulations references to “billing authority” shall, from the beginning of the preliminary period, include an authority which has functions under Part III of the 1988 Act by virtue of regulation 28(1) of the principal Regulations.

Billing authorities' functions during the preliminary period

4.—(1) The 1989 Regulations shall have effect during the preliminary period for the purposes of the exercise of functions under those Regulations by a successor authority, a relinquishing authority or an acquiring authority as regards the initial year as if the relevant structural or boundary change had come into effect at the beginning of the preliminary period.

(2) An abolished authority shall not exercise any of the functions of a billing authority under the 1989 Regulations as regards the initial year.

Rights and duties of successor and relinquishing authorities

5.—(1) The 1989 Regulations shall have effect, on or after the reorganisation date, as if the rights and duties exercisable by or in relation to an abolished authority in connection with non-domestic rates payable to it in respect of hereditaments situated in any part of its area were rights and duties exercisable by or in relation to the relevant successor authority and any references to a billing authority in those Regulations shall have effect accordingly.

(2) For the purposes of paragraph (1) anything done by or in relation to an abolished authority in the exercise of its functions under the 1989 Regulations shall be treated as if it had been done by or in relation to the relevant successor authority.

(3) The 1989 Regulations shall have effect, on or after the reorganisation date, as if the rights and duties exercisable by or in relation to a relinquishing authority in connection with non-domestic rates payable to it in respect of a hereditament situated in the transferred area continued to be exercisable as regards any preceding year by or in relation to the relinquishing authority in relation to that part, and as if the acquiring authority had no rights and duties in connection with such non-domestic rates as regards any preceding year, and any references to a billing authority in those Regulations shall have effect accordingly.

Application for liability order

6.—(1) Where an abolished authority applied for a liability order under regulation 12 (application for liability order) of the 1989 Regulations and the order is made on or after the reorganisation date—

- (a) regulation 12(6)(b) of the 1989 Regulations shall apply on or after the reorganisation date as if the costs referred to were those reasonably incurred by the abolished authority and the relevant successor authority in obtaining the order; and
- (b) regulation 12(7) of the 1989 Regulations shall apply on or after that date as if the costs of the abolished authority in making the application had been the costs of the relevant successor authority.

Distress

7. Where a liability order was made under regulation 12 of the 1989 Regulations on the application of an abolished authority, regulation 14 (distress) of those Regulations shall apply on or after the reorganisation date as if the liability order had been applied for by the relevant successor authority.

Appeals in connection with distress

8. Where an abolished authority has levied or attempted to levy a distress under regulation 14 of the 1989 Regulations, regulation 15(2) and (4) (appeals in connection with distress) of those Regulations shall apply on or after the reorganisation date as if the levy had been made or attempted by the relevant successor authority.

Commitment to prison

9. Where an abolished authority has sought to levy an amount by distress under regulation 14 of the 1989 Regulations, regulation 16 (commitment to prison) of those Regulations shall apply on or after the reorganisation date as if it had been the relevant successor authority which had sought to levy the distress and as if the costs of the abolished authority in seeking to levy the distress had been the costs of the successor authority.

Magistrates' courts

10. Regulation 21(4) and (5) (magistrates' courts) of the 1989 Regulations shall apply on or after the reorganisation date in relation to any proceeding prosecuted or continued by the successor authority as if the reference to the applicant authority included the abolished authority.