

EXPLANATORY MEMORANDUM TO
THE LOCAL GOVERNMENT (NON-DOMESTIC RATING) (CONSEQUENTIAL
AMENDMENTS) (ENGLAND) ORDER 2008

2008 No. 428

- 1.** This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.
- 2. Description**
 - 2.1 The Local Government (Non-Domestic Rating) (Consequential Amendments) (England) Order 2008 (“the Order”) amends secondary legislation as a consequence of the Local Government Act 2003 (“the 2003 Act”) and the Rating (Empty Properties) Act 2007 (“the 2007 Act”).
- 3. Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
- 4. Legislative Background**
 - 4.1 The 2007 Act received Royal Assent on 19th July 2007 and this is the first use of the power in paragraph 8 of Schedule 2 to make consequential amendments to other legislation.
 - 4.2 The instruments amended by the Order are the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (S.I. 1989/1058) (“the 1989 Regulations”), the Non-Domestic Rating (Collection and Enforcement) (Miscellaneous Provisions) Regulations 1990 (S.I. 1990/145) (“the 1990 Regulations”) and the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2004 (S.I. 2004/3387) (“the 2004 Regulations”). The purpose of the amendments is to reflect –
 - (a) the insertion, by the 2003 Act, of section 57A into the Local Government Finance Act 1988 (“the 1988 Act”), and
 - (b) the new measures of liability to rates in respect of unoccupied non-domestic properties put in place by the 2007 Act.
- 5. Territorial Extent and Application**
 - 5.1 This instrument applies to England.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 The 2003 Act made various miscellaneous amendments to the provisions in the 1988 Act on non-domestic rates. One of these was to convert into a duty the existing power of the Secretary of State to put in place a scheme which phases in increases in liability following the statutory revaluation of non-domestic premises for the purposes of rates. This was done by the insertion into the 1988 Act of a new section 57A. The Order amends the 1989 and 1990 Regulations to include references to section 57A where necessary.
- 7.2 The 2007 Act amended the 1988 Act to reform the liability of owners of empty property to non-domestic rates. This reform, announced in the 2007 Budget, is designed to improve the competitiveness of the UK economy by helping to increase access to premises and reduce rents, as well as delivering social and environmental benefits by helping to revitalise town centres and reduce the need for new development on greenfield land. The Order amends the 1989, 1990 and 2004 Regulations to reflect the reforms to unoccupied property rates.

8. Impact

- 8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Relwyn Reffell at the Department for Communities and Local Government Tel: 020 7944 3810 or e-mail: relwyn.reffell@communities.gsi.gov.uk can answer any queries regarding the instrument.