
STATUTORY INSTRUMENTS

2009 No. 355

RATING AND VALUATION, ENGLAND

The Council Tax and Non-Domestic Rating (Demand Notices) (England) (Amendment) Regulations 2009

Made - - - - 23rd February 2009
Laid before Parliament 3rd March 2009
Coming into force - - 1st April 2009

The Secretary of State, in exercise of the powers conferred by sections 143(1) and (2) and 146(6) of, and paragraphs 1 and 2(2)(ga) and (h) of Schedule 9 to, the Local Government Finance Act 1988(1) makes the following Regulations:

Citation, commencement and application

1. These Regulations, which apply in England only, may be cited as the Council Tax and Non-Domestic Rating (Demand Notices) (England) (Amendment) Regulations 2009 and shall come into force on 1st April 2009.

Amendments

2. The Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003(2) are amended as follows.

Part 1 of Schedule 2 (Matters to be contained in rate demand notices)

3. In the explanatory notes in paragraph 7 of Part 1 of Schedule 2—
- (a) for the text beginning with the heading “Small Business Rate Relief” and ending with “are available from the local authority” substitute—
- “Small Business Rate Relief

(1) 1988 c. 41. Paragraph 1 of Schedule 9 has been prospectively amended by Schedule 13 to the Tribunals, Courts and Enforcement Act 2007 (c. 15). Paragraph 2(2)(ga) was inserted by paragraph 44(2) of Schedule 5 to the Local Government and Housing Act 1989 (c. 42); paragraph 2(2)(h) was amended by paragraph 44(3) of that Schedule. These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Local Government Finance Act 1988. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.

(2) S.I. 2003/2613, amended by S.I. 2008/387; there are other amending instruments but none is relevant.

This relief is only available to ratepayers who apply to their local authority and who occupy either—

- (a) one property, or
- (b) one main property and other additional properties providing those additional properties each have a rateable value of less than £2,200.

The rateable value of the property mentioned in (a), or the aggregate rateable value of all the properties mentioned in (b), must be under £15,000 outside London or £21,500 in London on every day for which relief is being sought. If the rateable value, or aggregate rateable value, increases above those levels, relief will cease from the day of the increase.

Ratepayers who satisfy these conditions will have the bill for their single or main property calculated using the lower small business non-domestic rating multiplier rather than the ordinary non-domestic rating multiplier that is used to calculate the liability of other businesses.

In addition, if the single or main property is shown on the rating list with a rateable value of up to £10,000, the ratepayer will receive a percentage reduction in their rates bill for this property of up to a maximum of 50% for a property with a rateable value of not more than £5,000.

If an application for relief is granted, provided the ratepayer's circumstances do not change, the application will not need to be renewed until the next revaluation of non-domestic premises, which happens every five years. Certain changes in circumstances will need to be notified to the local authority by the ratepayer (other changes will be picked up by the local authority). The changes which must be notified are—

- (a) the ratepayer taking up occupation of a property they did not occupy at the time of making their application for relief, and
- (b) an increase in the rateable value of a property occupied by the ratepayer in an area other than the area of the local authority which granted the relief.

Notification of these changes must be given to the local authority within 4 weeks of the day after the day the change happened. If this happens, there will be no interruption to the ratepayer's entitlement to the relief. A notification that the ratepayer has taken up occupation of an additional property must be by way of a fresh application for relief; notice of an increase in rateable value must be given in writing.

Full details on the eligibility criteria and on how to apply for this relief are available from the local authority.”; and

- (b) after the text which begins with the heading “Hardship Relief” and before the heading “Rating Advisers” insert—

“Schedule of Payments for Certain Backdated Liability

Ratepayers who face certain backdated rates liability may be able to discharge that liability over up to 8 years by agreement with their billing authority.

This may be possible if the backdated liability has arisen as a result of an alteration to a ratings list which:

- means a hereditament is shown on that list for the first time;
- has effect from a day that is at least 33 months prior to the date the alteration is made;
- is made on or before 31st March 2010; and
- is not the result of a proposal to alter a rating list made by the ratepayer or another interested person.

To be eligible, ratepayers must have occupied one or more properties affected by the type of rating list adjustment above, within the billing authority area, between the effective date of the list alteration and the date it was actually made, for 33 months or more. Ratepayers are not eligible if they were previously liable for rates in respect of a property “preceding” the new property assessment (i.e. a property that forms a part of a new merged property or a part of a property that has been split into two or more new properties).

With the agreement of their billing authority, eligible ratepayers will be able to discharge any outstanding liability that accrued between the effective date of the relevant list alteration and the date the alteration was made over a period of up to 8 years.

Further details on the criteria and the process to obtain a schedule of payments are available from your local authority.”.

Part 3 of Schedule 2

4. In the explanatory notes in paragraph 3 of Part 3 of Schedule 2 (special authorities)—
- (a) for the text beginning with the heading “Small Business Rate Relief” and ending with “are available from the local authority” substitute—

“Small Business Rate Relief

This relief is only available to ratepayers who apply to their local authority and who occupy either—

- (a) one property, or
- (b) one main property and other additional properties providing those additional properties each have a rateable value of less than £2,200.

The rateable value of the property mentioned in (a), or the aggregate rateable value of all the properties mentioned in (b), must be under £15,000 outside London or £21,500 in London on every day for which relief is being sought. If the rateable value, or aggregate rateable value, increases above those levels, relief will cease from the day of the increase.

Ratepayers who satisfy these conditions will have the bill for their single or main property calculated using the lower small business non-domestic rating multiplier rather than the ordinary non-domestic rating multiplier that is used to calculate the liability of other businesses.

In addition, if the single or main property is shown on the rating list with a rateable value of up to £10,000, the ratepayer will receive a percentage reduction in their rates bill for this property of up to a maximum of 50% for a property with a rateable value of not more than £5,000.

If an application for relief is granted, provided the ratepayer’s circumstances do not change, the application will not need to be renewed until the next revaluation of non-domestic premises, which happens every five years. Certain changes in circumstances will need to be notified to the local authority by the ratepayer (other changes will be picked up by the local authority). The changes which must be notified are—

- (a) the ratepayer taking up occupation of a property they did not occupy at the time of making their application for relief, and
- (b) an increase in the rateable value of a property occupied by the ratepayer in an area other than the area of the local authority which granted the relief.

Notification of these changes must be given to the local authority within 4 weeks of the day after the day the change happened. If this happens, there will be no interruption to

the ratepayer’s entitlement to the relief. A notification that the ratepayer has taken up occupation of an additional property must be by way of a fresh application for relief; notice of an increase in rateable value must be given in writing.

Full details on the eligibility criteria and on how to apply for this relief are available from the local authority.”; and

- (b) after the text which begins with the heading “Hardship Relief” and before the heading “Rating Advisers” insert—

“Schedule of Payments for Certain Backdated Liability

Ratepayers who face certain backdated rates liability may be able to discharge that liability over up to 8 years by agreement with their billing authority.

This may be possible if the backdated liability has arisen as a result of an alteration to a ratings list which:

- means a hereditament is shown on that list for the first time;
- has effect from a day that is at least 33 months prior to the date the alteration is made;
- is made on or before 31st March 2010; and
- is not the result of a proposal to alter a rating list made by the ratepayer or another interested person.

To be eligible, ratepayers must have occupied one or more properties affected by the type of rating list adjustment above, within the billing authority area, between the effective date of the list alteration and the date it was actually made, for 33 months or more. Ratepayers are not eligible if they were previously liable for rates in respect of a property “preceding” the new property assessment (i.e. a property that forms a part of a new merged property or a part of a property that has been split into two or more new properties).

With the agreement of their billing authority, eligible ratepayers will be able to discharge any outstanding liability that accrued between the effective date of the relevant list alteration and the date the alteration was made over a period of up to 8 years.

Further details on the criteria and the process to obtain a schedule of payments are available from your local authority.”.

Signed by authority of the Secretary of State for Communities and Local Government

John Healey
Minister of State
Department for Communities and Local
Government

23rd February 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003 (“the 2003 Regulations”) in relation to non-domestic rating demand notices only.

Schedule 2 to the 2003 Regulations sets out the matters to be included in non-domestic rating demand notices. Part 1 of that Schedule relates to demand notices sent by billing authorities other than a rural settlement authority, to which Part 2 relates, and special authorities to which Part 3 relates (the term “special authority” is defined in section 144(6) of the Local Government Finance Act 1988). The explanatory notes which are required by each Part give the recipient of a rates bill information about the bill and the reliefs that are available.

The amendments made by these Regulations update the information to be provided to ratepayers about small business rate relief as a result of changes being made with effect from 1st April 2009, and add extra information about circumstances in which certain backdated rates liability can be rescheduled as a result of changes being made to the arrangements for collection and enforcement of rates liability with effect from March 2009.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.