STATUTORY INSTRUMENTS

2015 No. 617

RATING AND VAUATION, ENGLAND

The Non-Domestic Rating (Levy and Safety Net) (Amendment) Regulations 2015

Made - - - - 9th March 2015

Coming into force in accordance with regulation 1

The Secretary of State for Communities and Local Government makes the following Regulations in exercise of the powers conferred by sections 143(1) and (2) of, and paragraphs 22, 25 and 28 of Schedule 7B to, the Local Government Finance Act 1988(**1**):

A draft of this instrument was laid before and approved by a resolution of each House of Parliament in accordance with section 143(9D)(**2**) of that Act.

Citation and commencement

1.—(1) These Regulations may be cited as the Non-Domestic Rating (Levy and Safety Net) (Amendment) Regulations 2015.

(2) Regulation 2(4) comes into force on 1st April 2015 and has effect in relation to the financial year beginning with 1st April 2015 and subsequent financial years.

(3) The remaining provisions of these Regulations come into force on the day after the day on which these Regulations are made.

Amendment of the Non-Domestic Rating (Levy and Safety Net) Regulations 2013

2.—(1) The Non-Domestic Rating (Levy and Safety Net) Regulations 2013(**3**) are amended as follows.

(2) In regulation 2 (interpretation) in the definition "relevant year" before "means" insert ", except in Schedule 1A where it is subject to the definition contained in that Schedule,".

(3) In regulation 4 (meaning of retained rates income for purposes of levy and safety net calculations)—

(a) in paragraph (1) for "paragraph 1 of Schedule 1" substitute "paragraphs 1 and 1A of Schedule 1 and paragraphs 3 and 4 of Schedule 1A";

(**1**) 1988 c 41. Schedule 7B was inserted into the Local Government Finance Act 1988 by section 1 of, and Schedule 1 to, the Local Government Finance Act 2012 (c. 17).
(**2**) Section 143(9D) was inserted by section 1 of the Local Government Finance Act 2012.
(**3**) S.I. 2013/737; amended by S.I. 2014/822.

(b) in paragraph (2) after "Schedule 1" insert "and paragraphs 5, 6, 7 and 8 of Schedule 1A.".

(4) In regulation 8 (payments on account)—

(a) in paragraph (1) for "10" substitute "12".

(b) in paragraph (1)(b) for "9" substitute "11".

(c) for paragraph (2) substitute—

"(2) The first four instalments are each to be of 9 per cent of the amount payable and each other instalment is to be 8 per cent of the amount payable."

(5) After paragraph 1 of Schedule 1 (calculation of retained rates income) insert—

"**1A.** In calculating the values in paragraph 1(2), (3), (4) and (4A) there is to be disregarded in relation to the billing authority and for each relevant year the proportion of the authority's non-domestic rating income calculated in respect of an area which has been designated in regulations made under paragraph 39(1) of Schedule 7B to the Local Government Finance Act 1998 within which all or part of the authority's area falls.".

(6) After Schedule 1 insert new Schedule 1A as set out in the Schedule to these Regulations.

3. In paragraph 1(4)(d) of Schedule 1 delete "Case A or".

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

Kris Hopkins
Parliamentary Under Secretary of State
Department for Communities and Local Government

9th March 2015

SCHEDULE Regulation 2(6)

"SCHEDULE 1A Regulation 4

Special provision for the calculation of retained rates income for the financial years beginning on 1st April 2013, 1st April 2014, 1st April 2015, 1st April 2016 and 1st April 2017

Interpretation

1. In this Schedule—

"the 2003 Regulations" means the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003(**4**);

"the 2013 Regulations" means the Non-Domestic Rating (Rates Retention) Regulations 2013(**5**);

"end of year calculations" means the calculation of non-domestic rating income that a billing authority is required to make in accordance with regulation 9(1)(a) of, and paragraph 1 of Schedule 1 to, the 2013 Regulations for the relevant year;

"refunds in respect of previous years" means amounts to be repaid to ratepayers as a consequence of an alteration to a list in accordance with regulations made under section 55 of the 1988 Act in respect of a year prior to the year beginning on 1st April 2013;

"relevant proportion" means the relevant proportion of the provision for refunds in respect of previous years that a billing authority included in its calculation of surplus or deficit on the collection fund for the relevant year beginning on 1st April 2014, in accordance with paragraph 1A of Schedule 4 to the 2013 Regulations;

"relevant provision" means provision made by an authority to recognise amounts to be repaid to ratepayers as a consequence of an alteration to a list in accordance with regulations made under section 55 of the 1988 Act;

"relevant year" means the year for which a calculation of non-domestic rating income or of a payment is being made in accordance with the 2013 Regulations; and

"surplus or deficit with respect to non-domestic rates" means the billing authority's estimate as to whether there is a surplus or deficit with respect to non-domestic rates in its collection fund for the preceding year calculated in accordance with regulation 13 of, and paragraph 1 of Schedule 4 to, the 2013 Regulations.

Application of Schedule

2. This Schedule applies where—

(a) a billing authority—

(i) in its calculation under regulation 3 of the 2013 Regulations (calculation of non domestic income) of the amount specified by paragraph 1 of Schedule 1 to those Regulations, for the year beginning on 1st April 2013, spread its provision for refunds in respect of previous years over a 5 year period; and

(ii) in its calculation of the surplus or deficit with respect to non domestic rates for the relevant year beginning on 1st April 2014 included in the amount specified by paragraph 1(3) of Schedule 4 to the 2013 Regulations an amount equal to the relevant proportion;

(**4**) S.I. 2003/3146. Relevant amendments were made by S.I. 2010/454 and S.I. 2014/1345.
(**5**) S.I. 2013/452; as amended by S.I. 2014/96.