STATUTORY INSTRUMENTS

2015 No. 354

RATING AND VALUATION, ENGLAND

The Non-Domestic Rating (Northern Line Extension) Regulations 2015

Made - - - -	*24th February 2015*
Laid before Parliament	*25th February 2015*
Coming into force - -	*18th March 2015*

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by paragraph 39 of Schedule 7B to the Local Government Finance Act 1988(**1**), makes the following Regulations.

These Regulations are made with the consent of the Treasury in accordance with paragraph 39(13) of Schedule 7B to the Local Government Finance Act 1988.

Citation and commencement

1. These Regulations may be cited as the Non-Domestic Rating (Northern Line Extension) Regulations 2015 and come into force on 18th March 2015.

Interpretation

2. In these Regulations—

"the 1988 Act" means the Local Government Finance Act 1988;

"the Agreement" means the agreement entitled the "Standby Refinancing Facility Agreement in respect of the Northern Line Extension to Battersea Power Station" between the Treasury and the Greater London Authority dated 30th January 2014 as amended and restated by deed executed on 1st September 2014(**2**);

"designated area" means an area designated by regulation 3 and Schedule 1;

"local list" means a list compiled and maintained in accordance with section 41 of the 1988 Act(**3**) (local rating lists);

(**1**) 1988 c.41. Schedule 7B was inserted into the Local Government Finance Act 1988 by the Local Government Finance Act 2012 (c.17), section 1 and Schedule 1.
(**2**) The Agreement is available for inspection at the offices of the Treasury, 1 Horse Guards Road, London, SW1A 2HQ.
(**3**) Section 41 was amended by the Local Government and Housing Act 1989 (c.42), section 139 and Schedule 5, paragraphs 19 and 79(3); the Local Government Finance Act 1992 (c.14), section 117(1) and Schedule 13, paragraph 59; the Local Government Act 2003 (c.26), section 60(1); the Growth and Infrastructure Act 2013 (c.27), sections 29(1) to (4) and 30(2).

"non-domestic rating income" has the meaning given by Schedule 2;

"preceding year" means the year immediately preceding the year for which a calculation under these Regulations is being made;

"relevant billing authority" means a billing authority in England all or part of whose area falls within a designated area;

"small business non-domestic rating multiplier", in relation to a year, means the small business non-domestic rating multiplier for the year determined under Part 1 of Schedule 7 to the 1988 Act(**4**) (non-domestic rating multipliers); and

"specified year" means a year falling within the period specified in regulation 4 or 5(1).

Designation of areas

3. The areas referred to in Schedule 1 are designated for the purposes of these Regulations.

Period of designation

4. The designations made by regulation 3 and Schedule 1 take effect on 1st April 2016 and remain in effect for a period of 25 years beginning with that date.

Additional period of designation

5.—(1) The designations made by regulation 3 and Schedule 1 take effect on the first day of the first year(**5**) after the conditions in paragraph (2) are met and remain in effect for a period of five years beginning with that date.

(2) The conditions are that—

(a) 1st January 2041 has elapsed;

(b) a Permanent Shortfall, as agreed between the Greater London Authority and the Treasury in accordance with the Agreement, exists in relation to the NLE Loans incurred by the Greater London Authority for the purposes of financing the design, construction and commissioning of the extension to the Northern Line from Kennington to Battersea power station;

(c) the Treasury has made the first Advance to the Greater London Authority pursuant to the Agreement; and

(d) the Greater London Authority has made an application in writing to the Treasury for the purposes of this regulation pursuant to clause 4.3 of the Agreement.

(3) These Regulations will cease to have effect at the end of the period mentioned in regulation 4 if all of the conditions specified in paragraph (2) are not met by the end of that period.

(4) "Permanent Shortfall", "NLE Loans" and "Advance" each have the meaning given in the Agreement.

Calculation of the proportion of non-domestic rating income to be disregarded

6.—(1) Schedule 2 contains rules for the calculation, in relation to each relevant billing authority and for each specified year, of a proportion of the authority's non-domestic rating income in respect of the designated area or areas within which all or part of the authority's area falls.

(**4**) Schedule 7 was amended by the Local Government Finance Act 1992, section 117(1) and Schedule 13, paragraph 84(1); Local Government Act 2003, section 62; the Statistics and Registration Services Act 2007 (c.18), section 60(1) and Schedule 3, paragraph 5(1).

(**5**) A "year" is defined as a chargeable financial year by paragraph 45 of Schedule 7B to the Local Government Finance Act 1988 and, by virtue of section 145 of that Act, a financial year means a period of 12 months beginning with 1 April.

(2) The amount calculated in accordance with Part 1 of Schedule 2 in relation to a relevant billing authority for a specified year in respect of a designated area is to be disregarded for the purposes of the calculations under the following provisions of Schedule 7B to the 1988 Act as those provisions apply to the authority for the year—

(a) paragraph 6 (payments in respect of the central share);

(b) regulations under paragraph 7 (administrative arrangements for payments in respect of the central share);

(c) regulations under paragraph 9 (payments by billing authorities to major precepting authorities);

(d) regulations under paragraph 10 (administrative arrangements for payments by billing authorities to major precepting authorities);

(e) paragraph 13 (calculations following local government finance report);

(f) paragraph 16 (calculations following amending report);

(g) paragraph 23 (calculations of levy payments);

(h) paragraph 26 (calculations of safety net payments);

(i) regulations under paragraph 28 (calculations of payments on account);

(j) paragraph 30 (calculations relating to distribution of remaining balance).

We consent to the making of these Regulations

Alun Cairns
Gavin Barwell
Two of the Lords Commissioners of Her Majesty's Treasury

23rd February 2015

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

24th February 2015

SCHEDULE 1

Regulation 3

Local retention of non-domestic rates: designation of areas

1. Each of the areas listed in column 1 of the table in this Schedule is designated by reference to the area or areas bounded externally by the outer edge of the blue line shown on the map or maps specified in column 2 of the table.

2. A reference in this Schedule to a map is to one of the maps numbered 1 and 2 and entitled "Maps referred to in Schedule 1 to the Non-Domestic Rating (Northern Line Extension) Regulations 2015", of which prints, signed by a member of the Senior Civil Service in the Department for Communities and Local Government, are deposited and available for inspection at the offices of the Secretary of State for Communities and Local Government and, in relation to each map, at the offices of the relevant billing authority to which the map relates.

3. For the purposes of determining a designated area, where part only of a hereditament is situated within an area shown on a map, the whole of the hereditament is to be taken to be included within that designated area.

Designated area *(Column 1)*	*Numbered map* *(Column 2)*	*Baseline figure (see paragraph 3(2) of Schedule 2)* *(Column 3)*
Wandsworth Nine Elms and Battersea Power Station	1	4, 093, 467
Lambeth Nine Elms	2	1, 316, 946

SCHEDULE 2

Regulation 6

Rules for calculation of the amount to be disregarded

PART 1

Calculation of the proportion of non-domestic rating income to be disregarded for the purpose of calculations under Schedule 7B to the 1988 Act

1.—(1) For the purposes of regulation 6, but subject to sub-paragraph (2), the proportion of a relevant billing authority's non-domestic rating income for a specified year in respect of a designated area within which all or part of the authority's area falls is the difference between—

(a) the amount of the authority's non-domestic rating income for that year in respect of that area calculated in accordance with Part 2; and

(b) the amount calculated in relation to the authority for that year in respect of that area in accordance with Part 3.

(2) Where the amount calculated in accordance with Part 3 is greater than or equal to the amount calculated in accordance with Part 2, the proportion for the purposes of regulation 6 is zero.