STATUTORY INSTRUMENTS

2008 No. 3078

RATING AND VALUATION, ENGLAND

The Non-Domestic Rating Contributions (England) (Amendment) Regulations 2008

Made - - - -	*27th November 2008*
Laid before Parliament	*4th December 2008*
Coming into force - -	*31st December 2008*

The Secretary of State, in exercise of the powers conferred by section 143(1) and (2) of, and paragraphs 4 and 6 of Schedule 8 to, the Local Government Finance Act 1988(**a**), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Non-Domestic Rating Contributions (England) (Amendment) Regulations 2008 and shall come into force on 31st December 2008.

Amendments to the Non-Domestic Rating Contributions (England) Regulations 1992

2. The Non-Domestic Rating Contributions (England) Regulations 1992(**b**) are amended as follows in relation to financial years beginning on or after 1st April 2009.

Rules for the calculation of non-domestic rating contributions

3. In Schedule 1—

(a) for paragraph 1(4) substitute—

"(4) A special authority's non-domestic rating contribution for the financial year beginning on 1st April 2009 shall be the amount calculated under sub-paragraph (2) above less £9.8 million.";

(b) in paragraph 4(4), for "2008 is £83,606,000" substitute "2009 is £84,442,000"; and

(c) for Part II substitute—

(**a**) 1988 c.41. 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.

(**b**) S.I. 1992/3082. Relevant amendments are made by S.I. 1993/1496 and 3082, 1994/1431 and 3139, 1995/3181, 1996/3245, 1997/3031, 1998/3038, 1999/3275, 2000/3208, 2001/3944, 2002/3021, 2003/3130, 2004/3234, 2005/3333, 2006/3167 and 2007/3393.

"PART II

COST FACTORS

Name or description of authority	*Cost factor*
The councils of the districts of Bracknell Forest, Crawley, Elmbridge, Epsom and Ewell, Guildford, Mole Valley, Reigate and Banstead, Runnymede, Slough, Spelthorne, Surrey Heath, Tandridge, Waverley, Windsor and Maidenhead and Woking	1.1274
The councils of the districts of Broxbourne, Chiltern, Dacorum, East Hertfordshire, Hertsmere, St Albans, South Buckinghamshire, Three Rivers, Watford and Welwyn Hatfield	1.1016
The councils of the districts of Reading, West Berkshire and Wokingham	1.1119
The councils of the districts of Basildon, Brentwood, Epping Forest, Harlow, Dartford, Sevenoaks and Thurrock	1.081
The councils of the districts of Aylesbury Vale, Milton Keynes and Wycombe	1.0808
The council of a district which falls within the county of Oxfordshire	1.0643
The councils of the districts of Bedford, Central Bedfordshire, Luton, North Hertfordshire and Stevenage(**a**)	1.0421
The councils of the districts of Cambridge, East Cambridgeshire, Fenland, Huntingdonshire, Peterborough and South Cambridgeshire	1.0454
The councils of the districts of Basingstoke and Deane, East Hampshire, Eastleigh, Fareham, Gosport, Hart, Havant, New Forest, Portsmouth, Rushmoor, Southampton, Test Valley and Winchester	1.0415
The council of a district which falls within the county of Warwickshire	1.0224
Swindon District Council and Wiltshire County Council(**b**)	1.0308
The councils of the districts of Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire	1.0349
The council of a district which falls within the county of Northamptonshire	1.0185
The councils of the districts of Ashford, Canterbury, Dover, Gravesham, Maidstone, Medway, Shepway, Swale, Thanet, Tonbridge and Malling and Tunbridge Wells	1.0161
The council of a district which falls within the county of Gloucestershire	1.0189
The council of a district which falls within the West Midlands metropolitan county	1.0154
The councils of the districts of Cheshire West and Chester, Cheshire East, Halton and Warrington(**c**)	1.0109

(**a**) Bedfordshire County Council, Mid Bedfordshire District Council and South Bedfordshire District Council are wound up and dissolved with effect from 1st April 2009 by the Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907). From 1st April 2009, their functions will be exercised by Bedford Borough Council and Central Bedfordshire District Council under regulation 5 of the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008 (S.I. 2008/2176). Prior to 1st April 2009, the functions of Mid-Bedfordshire District Council and South Bedfordshire District Council under Part 3 of the Local Government Finance Act 1988 in respect of the financial year beginning on that date are exercisable by Bedford Borough Council and Central Bedfordshire District Council under regulation 7 of the Local Government (Structural Changes) (Finance) Regulations 2008 (S.I. 2008/3022).

(**b**) All of the district councils in the county area of Wiltshire are wound up and dissolved with effect from 1st April 2009 by the Wiltshire (Structural Change) Order 2008 (S.I. 2008/490). From 1st April 2009, their functions will be exercised by Wiltshire County Council under regulation 4 of the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008. Prior to 1st April 2009, the functions of the districts in the county area of Wiltshire under Part 3 of the Local Government Finance Act 1988 in respect of the financial year beginning on that date are exercisable by Wiltshire County Council under regulation 7 of the Local Government (Structural Changes) (Finance) Regulations 2008.

(**c**) All of the councils in the county area of Cheshire are wound up and dissolved with effect from 1st April 2009 by the Cheshire (Structural Changes) Order 2008 (S.I. 2008/634). From 1st April 2009, their functions will be exercised by Cheshire West and Chester District Council and Cheshire East District Council under regulation 5 of the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008. Prior to 1st April 2009, the functions of the districts in the county area of Cheshire under Part 3 of the Local Government Finance Act 1988 in respect

The council of a district which falls within the Greater Manchester metropolitan county	1.0223
The councils of the districts of Braintree, Castle Point, Chelmsford, Colchester, Maldon, Rochford, Southend-on-Sea, Tendring and Uttlesford	1.02
The councils of the districts of Brighton & Hove, Eastbourne, Hastings, Lewes, Rother and Wealden	1.0156
The council of a district which falls within the West Yorkshire metropolitan county	1.0126
The councils of the districts of Blaby, Charnwood, Harborough, Hinckley and Bosworth, Leicester, Melton, North West Leicestershire, Oadby and Wigston and Rutland	1.0135
The councils of the districts of Ashfield, Bassetlaw, Broxtowe, Gedling, Mansfield, Newark and Sherwood, Nottingham and Rushcliffe	1.0075
The council of a district which falls within the Merseyside metropolitan county	1.0076
The council of a district other than a district named, or falling within a description given, above	1
The council of an inner London borough	1.2358
The councils of the boroughs of Barnet, Brent, Ealing, Harrow, Hillingdon, Hounslow, Kingston upon Thames, Merton, Richmond upon Thames and Sutton	1.1278
The councils of the boroughs of Barking and Dagenham, Bexley, Bromley, Croydon, Enfield, Haringey, Havering, Newham, Redbridge and Waltham Forest	1.0845
The Common Council of the City of London	1.4329
The Council of the Isles of Scilly	1.5
The Isle of Wight Council	1.0415
The councils of the counties of Cornwall, County Durham, Northumberland and Shropshire(**a**)	1".

Assumptions relating to provisional amounts

4. In Schedule 2—

(a) in paragraph 2(12), for "0.990" substitute "0.991"; and

(b) for the table in paragraph 8(1) substitute—

"*Name or description of authority*	*Percentage*
The council of a metropolitan district	0.8
The council of a non-metropolitan district which has the functions of a county council, the council of a county which has the functions of a district council and the Council of the Isles of Scilly	0.7
The council of a non-metropolitan district which does not have the functions of a county council	0.4

of the financial year beginning on that date are exercisable by Cheshire West and Chester District Council and Cheshire East District Council under regulation 7 of the Local Government (Structural Changes) (Finance) Regulations 2008.

(**a**) All of the district councils in the county areas of Cornwall, County Durham, Northumberland and Shropshire are wound up and dissolved with effect from 1st April 2009 by, respectively, the Cornwall (Structural Change) Order 2008 (S.I. 2008/491), the County Durham (Structural Change) Order 2008 (S.I. 2008/493), the Northumberland (Structural Change) Order 2008 (S.I. 2008/494) and the Shropshire (Structural Change) Order 2008 (S.I. 2008/492). From 1st April 2009, their functions will be exercised by, respectively, Cornwall County Council, County Durham County Council, Northumberland County Council and Shropshire County Council under regulation 4 of the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008. Prior to 1st April 2009, the functions of the districts in the county areas of Cornwall, County Durham, Northumberland and Shropshire under Part 3 of the Local Government Finance Act 1988 in respect of the financial year beginning on that date are exercisable by, respectively, Cornwall County Council, County Durham County Council, Northumberland County Council and Shropshire County Council under regulation 7 of the Local Government (Structural Changes) (Finance) Regulations 2008.

The council of an inner London borough and the Common Council of the City of London	0.6
The council of an outer London borough	1.1".

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

John Healey
Minister of State
27th November 2008 Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under Part II of Schedule 8 to the Local Government Finance Act 1988 ("the 1988 Act"), billing authorities are required to pay amounts (called non-domestic rating contributions) to an account held by the Secretary of State ("the national non-domestic rating pool"). The national non-domestic rating pool is subsequently distributed to authorities under the rules in Part III of Schedule 8 to the 1988 Act. Payments into the national non-domestic rating pool in respect of the provisional amount of the non-domestic rating contributions are made during the financial year. Final calculations and adjustments of those contributions are made after the year ends.

These Regulations amend the rules contained in the Non-Domestic Rating Contributions (England) Regulations 1992 ("the 1992 Regulations") for the calculation of non-domestic rating contributions and the assumptions to be made in calculating the provisional amount of the non-domestic rating contributions for financial years beginning on or after 1st April 2009. They are concerned with—

(a) the offset for a special authority (the definition of "special authority" is given in section 144(6) of the 1988 Act) in paragraph 1(4) of Schedule 1 to the 1992 Regulations (regulation 3(a));

(b) the national cost of collection figure in paragraph 4(4) of that Schedule (regulation 3(b));

(c) the buoyancy factor (which is one of the assumptions billing authorities use in calculating the provisional amount) in paragraph 2(12) of Schedule 2 to the 1992 Regulations (regulation 4(a)); and

(d) the losses in collection percentages in paragraph 8(1) of that Schedule (regulation 4(b)).

The cost factors prescribed in Part II of Schedule 1 to the 1992 Regulations remain unchanged for most authorities. The table in Part II is substituted (regulation 3(c)), however, so that it reflects the results of local government restructuring in England under the Local Government and Public Involvement in Health Act 2007. This ensures that a cost factor is prescribed for authorities taking over functions under the 1988 Act from authorities being wound up and dissolved.

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

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