STATUTORY INSTRUMENTS

2009 No. 3095

RATING AND VALUATION, ENGLAND

The Non-Domestic Rating Contributions (England) (Amendment) Regulations 2009

Made - - - -	*24th November 2009*
Laid before Parliament	*1st December 2009*
Coming into force - -	*31st December 2009*

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 2009 and shall come into force on 31st December 2009.

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 2010.

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 2010 shall be the amount calculated under sub-paragraph (2) less £10 million."; and

(b) in paragraph 4(4), for "2009" substitute "2010".

Assumptions relating to provisional amounts

4. In Schedule 2—

(a) in paragraph 2(12), for "0.991" substitute "0.986"; and

(**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. 1996/3245, 2002/3021, 2003/3130, 2004/3234, 2007/3393 and 2008/3078.

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

"*Name or description of authority*	*Percentage*
The council of a metropolitan district	1.2
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	0.9
The council of a non-metropolitan district which does not have the functions of a county council	0.6
The council of an inner London borough and the Common Council of the City of London	0.9
The council of an outer London borough	1.3".

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

Barbara Follett
Parliamentary Under Secretary of State
Department for Communities and Local Government

24th November 2009

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 the financial years beginning on or after 1st April 2010. 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 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

(c) the losses in collection percentages in paragraph 8(1) of Schedule 2 to the 1992 Regulations (regulation 4(b)).

The national cost of collection figure in paragraph 4(4) of Schedule 1 to the 1992 Regulations remains unchanged, but that paragraph has been amended so as to refer to the financial year beginning in 2010 (regulation 3(b)).

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