
STATUTORY INSTRUMENTS

1992 No. 3082

**The Non-Domestic Rating Contributions
(England) Regulations 1992**

Citation, commencement and application

1.—(1) These Regulations may be cited as the Non-Domestic Rating Contributions (England) Regulations 1992 and shall come into force on 31st December 1992.

(2) The rules contained in these Regulations are to apply to the calculation of an English billing authority's non-domestic rating contribution for any financial year beginning on or after 1st April 1993.

Interpretation

2.—(1) In these Regulations—

“the 1989 Regulations” means the Non-Domestic Rating Contributions (England) Regulations 1989(1);

“the Act” means the Local Government Finance Act 1988;

“authority” means an English billing authority;

“preceding year” means a financial year preceding the financial year for which a calculation of a non-domestic rating contribution or a recalculation of a provisional amount is being made;

“provisional amount” means, except in regulation 6(1)(a), the provisional amount arrived at under paragraph 5 of Schedule 8 to the Act(2) as regards an authority for a financial year, or the amount for the time being treated as that amount in accordance with regulation 7 of these Regulations;

“relevant day” means a day in the financial year for which a calculation of a nondomestic rating contribution or a recalculation of a provisional amount is being made.

(2) For the purposes of Schedules 1 and 2 to these Regulations, in relation to a special authority,—

(a) a reference to the chargeable amounts payable to an authority under sections 43 and 45 of the Act shall in relation to any financial year beginning on or after 1st April 1993 be taken to be a reference to the chargeable amounts which would be payable to the authority under those sections on the basis of the authority's nondomestic rating multiplier set for that year;

(b) subject to paragraph (c), a reference to the chargeable amounts payable to an authority under sections 43 and 45 of the Act shall in relation to any financial year beginning before 1st April 1993 be taken to be a reference to the chargeable amounts which would have been payable to the authority under those sections if the authority's non-domestic rating multiplier had been equal to the required minimum for the financial year in respect of which the chargeable amounts were payable; and

(1) S.I. 1989/2435, amended by S.I. 1990/2472, 1991/2793, 1992/1363 and 1992/1516.

(2) Paragraph 5 of Schedule 8 to the 1988 Act was amended by the Local Government and Housing Act 1989, Schedule 5, paragraph 42 and by the Local Government Finance Act 1992, Schedule 10, paragraph 6.

- (c) the calculation of the amount of any deductions described in paragraphs 3, 4, 5, 5A and 7 of Schedule 1 to the 1989 Regulations (including, for the purposes of paragraphs 3, 4 and 5, the calculation of the amount calculated under or by reference to paragraph 2 of that Schedule) shall be made on the basis of the chargeable amounts payable to the authority under sections 43 and 45 of the Act by virtue of the authority's non-domestic rating multiplier set for that year.

Calculation of non-domestic rating contributions

3. The rules for the calculation under paragraph 5 of Schedule 8 to the Act of an authority's non-domestic rating contribution for a financial year are the rules contained in Schedule 1 to these Regulations.

Assumptions relating to provisional amounts

4. A calculation under paragraph 5(2) or (3) of Schedule 8 to the Act of an authority's non-domestic rating contribution shall be made on the basis of the information before the person making the calculation at the time he makes it, read subject to the assumptions prescribed in Schedule 2 to these Regulations.

Information which may be disregarded in the calculation of notified amounts

5. A calculation under paragraph 5(6) of Schedule 8 to the Act of an authority's non-domestic rating contribution for a financial year may be made without taking into account any information as regards which the following conditions are satisfied—

- (a) it is not reasonably practicable for the person making the calculation to take it into account; and
- (b) it was received by the authority after 31st January in that year.

Recalculation of provisional amounts

- 6.—(1) Regulation 7 applies as regards an authority for a financial year ("the year") in which—
- (a) a provisional amount has been arrived at, under paragraph 5 of Schedule 8 to the Act, as regards the authority for the year; and
 - (b) the prescribed conditions are fulfilled.
- (2) The prescribed conditions are—
- (a) that the authority has on a day in the year calculated an amount, under paragraph (3) below, which is less than the provisional amount for the authority for the year;
 - (b) that the difference between the amount calculated under paragraph (3) below and the provisional amount for the authority is greater than the amount calculated under paragraph (4) below;
 - (c) that the authority has notified the Secretary of State of the amount calculated under paragraph (3) below, and the day on which that amount was calculated; and
 - (d) that the Secretary of State believes that the amount calculated by the authority under paragraph (3) below is likely to have been calculated in accordance with that paragraph and informs the authority of his belief.
- (3) The amount calculated under this paragraph is the total of the amounts calculated on the relevant day in accordance with Parts I and II of Schedule 3 to these Regulations.
- (4) The amount calculated under this paragraph is an amount equal to—

- (a) if the amount calculated in accordance with paragraph (3) above is calculated before 1st October in the year, £25,000 or 1 per cent. of the authority's budget requirement for the year, whichever is the greater; and
- (b) if the amount calculated in accordance with paragraph (3) above is calculated on or after 1st October in the year, £50,000 or 2 per cent. of the authority's budget requirement for the year, whichever is the greater.

(5) In paragraph (4) above, "budget requirement" means the amount calculated (or last calculated) by the authority under section 32(4) of the Local Government Finance Act 1992.

7.—(1) Where this regulation applies, for the purposes of paragraph 5 of Schedule 8 to the Act the provisional amount for the authority for a financial year is to be treated on or after the adjustment day as being that amount recalculated as regards the authority for the year under paragraph (2) below.

(2) The amount recalculated under this paragraph is the total of the amounts calculated in accordance with Parts I and II of Schedule 3 to these Regulations, taking as the day on which the calculations in accordance with that Schedule are made the day on which the calculation was made under regulation 6(3) by virtue of which this regulation applies.

(3) For the purposes of this regulation and regulations 8 and 9, "the adjustment day" shall be the day on which the Secretary of State informed the authority under regulation 6(2)(d) of his belief relating to the calculation by virtue of which this regulation applies.

Repayments as a result of a recalculation

8.—(1) Where regulation 7 applies as regards an authority for a financial year, the Secretary of State shall repay to the authority the amount calculated in accordance with paragraph (2) below.

(2) The amount is the difference between—

- (a) the total of the amounts paid by the authority to the Secretary of State under paragraph 5(5) of Schedule 8 to the Act on relevant days preceding the adjustment day; and
- (b) the amount calculated in accordance with the formula—

$$\frac{A \times B}{C}$$

where—

A is the amount recalculated (or last recalculated) as regards the authority under regulation 7(2);

B is the total of the amounts directed by the Secretary of State to be paid by the authority on relevant days preceding the adjustment day; and

C is the provisional amount having effect as regards the authority immediately before the adjustment day.

(3) The amount calculated in accordance with paragraph (2) above shall be paid by the Secretary of State at such time as he decides.

Reduced payments as a result of a recalculation

9. Where regulation 7 applies as regards an authority for a financial year, the amount of an instalment directed by the Secretary of State, under paragraph 5(5) of Schedule 8 to the Act, to be paid by the authority on or after the adjustment day shall be treated as being the amount calculated in accordance with the formula—

$$\frac{D \times E}{F}$$

where—

- D is the amount the Secretary of State directed to be paid by the authority in the instalment;
- E is the amount recalculated (or last recalculated) as regards the authority under regulation 7(2); and
- F is the provisional amount having effect as regards the authority immediately before the adjustment day.

Repayments by reference to the certified amount

10.—(1) This regulation applies where, at the time the Secretary of State makes the calculation required by sub-paragraph (12) of paragraph 5 of Schedule 8 to the Act, a payment has been made under sub-paragraph (9) or (10) of that paragraph in relation to the amount notified under sub-paragraph (6)(b) of that paragraph (“the notified amount”)(3).

(2) Where this regulation applies—

- (a) if the certified amount exceeds the notified amount, the authority shall pay an amount equal to the difference to the Secretary of State within 14 days of the date on which the authority is notified by the Secretary of State of that amount; and
- (b) if the certified amount is less than the notified amount, the Secretary of State shall pay an amount equal to the difference to the authority.

(3) In this regulation “certified amount” has the same meaning as in sub-paragraph (11) of paragraph 5 of Schedule 8 to the Act.

Revocation

11.—(1) Subject to paragraph (2) below, the 1989 Regulations, the Non-Domestic Rating Contributions (England) (Amendment) Regulations 1990(4), the Non-Domestic Rating Contributions (England) (Amendment) Regulations 1991(5), the Non-Domestic Rating Contributions (England) (Amendment) Regulations 1992(6) and the NonDomestic Rating Contributions (England) (Amendment) (No. 2) Regulations 1992(7) are hereby revoked.

(2) The Regulations referred to in paragraph (1) above shall continue to have effect in relation to the calculation of an authority’s non-domestic rating contribution for a financial year beginning before 1st April 1993.

9th December 1992

Michael Howard
Secretary of State for the Environment

(3) Sub-paragraph (9) of paragraph 5 of Schedule 8 to the Act was amended, and sub-paragraph (10) and (12) of paragraph 5 of that Schedule were inserted, by the Local Government Finance Act 1992, Schedule 10, paragraph 6.

(4) [S.I. 1990/2472](#).

(5) [S.I. 1991/2793](#).

(6) [S.I. 1992/1363](#).

(7) [S.I. 1992/1516](#).