
STATUTORY INSTRUMENTS

1994 No. 3139

RATING AND VALUATION

**The Non-Domestic Rating Contributions
(England) (Amendment No. 3) Regulations 1994**

Made - - - - 8th December 1994
Laid before Parliament 9th December 1994
Coming into force - - 31st December 1994

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 140(4) and 143(1) and (2) of, and paragraphs 4 and 6 of Schedule 8 to, the Local Government Finance Act 1988(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement.

1.—(1) These Regulations may be cited as the Non-Domestic Rating Contributions (England) (Amendment No.3) Regulations 1994 and shall come into force on 31st December 1994.

(2) In these Regulations, “the 1992 Regulations” means the Non-Domestic Rating Contributions (England) Regulations 1992(2).

Amendment to regulations 8 and 9 of the 1992 Regulations

2. In regulation 8(1) and (9) and in regulation 9(1) and (2) of the 1992 Regulations for “7A” shall be substituted “7A(5)”.

Amendments to Schedule 1 to the 1992 Regulations.

3.—(1) Schedule 1 to the 1992 Regulations (rules for the calculation of non-domestic rating contributions) shall be amended in relation to financial years beginning on or after 1st April 1995 in accordance with the following paragraphs.

(2) In paragraph 1(4), for “1994” there shall be substituted “1995”.

(1) 1988 c. 41 Sections 140 and 143 and paragraphs 4 and 6 of Schedule 8 were amended by the Local Government and Housing Act 1989 (c. 42), paragraphs 42, 69 and 72, by the Local Government Finance Act 1992 (c. 14), Schedule 10, paragraph 6 and Schedule 13, paragraphs 78, 80 and 86 and by section 5(2) of the Non-Domestic Rating Act 1992 (c. 46). See section 146(6) of the Local Government Finance Act 1988 for the definition of “prescribed”.

(2) S.I.1992/3082; relevant amendments were made by S.I. 1993/1496, S.I. 1993/3082, S.I. 1994/1431 and S.I. 1994/3054.

(3) In paragraph 4(1)—

(a) for the formula there shall be substituted the following—

$$\text{“ } \frac{\mathbf{I} \times \mathbf{K}}{\mathbf{J}} + \frac{\mathbf{L} \times \mathbf{N}}{\mathbf{M}} + \mathbf{O} \text{ ”}$$

(b) in the definition of “K” for “78 per cent.” there shall be substituted “76 per cent.”;

(c) in the definition of “N” for “22 per cent.” there shall be substituted “24 per cent.”;

(d) at the end there shall be added the following—

“O is the total amount of the legal costs of the authority referred to in paragraph (5) below.”.

(4) In paragraph 4(4), for “1994 is £69.5 million” there shall be substituted “1995 is £74,913,000”.

(5) At the end of paragraph 4 there shall be inserted the following—

“(5) The legal costs referred to in this paragraph are the reasonable costs of another party to proceedings brought or defended by the authority where the following conditions are satisfied:

- (a) the proceedings in question were begun on or after 1st November 1993;
- (b) the authority notified the Secretary of State of its intention to bring or defend proceedings before it did so or, in the case of proceedings begun after 1st November 1993 and before 4th July 1994, before 1st October 1994;
- (c) the proceedings were brought or defended by the authority to clarify the law as respects liability for, or the authority’s powers to enforce, non-domestic rates;
- (d) the authority supplied the Secretary of State with advice in writing by counsel —
 - (i) that the point of law concerned had not already been determined in previous proceedings;
 - (ii) that a decision by the authority to bring or defend the proceedings, or to continue to do so, would be a reasonable decision;
- (e) the action was unsuccessful on that point of law and costs were awarded against the authority, or the authority withdrew from the proceedings as respects that point on the advice of counsel and payment by the authority of the other party’s reasonable costs was made by that party a condition of consenting to withdrawal;
- (f) the authority before 15th November in the immediately preceding financial year notified the Secretary of State of the outcome of the proceedings and of the amount of the costs;
- (g) the costs have been met by the authority; and
- (h) the costs have not been taken into account in a calculation for a preceding year.

(6) For the purposes of paragraph (5) above —

- (a) references to proceedings are to proceedings in a court of law including the Lands Tribunal;
- (b) any appeal from a decision of a court or the Lands Tribunal shall be regarded as separate proceedings.”.

(6) For the Table in Part II of the Schedule there shall be substituted the following Table—

“COST FACTORS

Name or description of authority	Cost factor
The Councils of the districts of Broxbourne, Dartford, Elmbridge, Epping Forest, Epsom and Ewell, Hertsmere, Reigate and Banstead, Slough, South Bucks, Spelthorne, Three Rivers and Watford	1.1646
The Councils of the districts of Basildon, Bracknell Forest, Brentwood, Chiltern, Crawley, Dacorum, East Hertfordshire, Guildford, Harlow, Mole Valley, Runnymede, St. Albans, Sevenoaks, Surrey Heath, Tandridge, Thurrock, Waverley, Welwyn Hatfield, Windsor and Maidenhead and Woking	1.1260
The Council of a district other than a district named above which falls within the county of Bedfordshire, Berkshire, Buckinghamshire, East Sussex, Essex, Hampshire, Hertfordshire, Isle of Wight, Kent, Oxfordshire or West Sussex	1.0599
The Council of a district other than a district named above or a district falling within the description given above	1
The Council of an inner London Borough	1.2538
The Council of an outer London Borough	1.1277
The Common Council of the City of London	1.6802
The Council of the Isles of Scilly	1”.

Amendments to Schedule 2 to the 1992 Regulations.

4.—(1) Schedule 2 to the 1992 Regulations (assumptions relating to provisional amounts) shall be amended in relation to the financial year beginning on or after 1st April 1995 in accordance with the following paragraphs.

(2) In paragraph 2(12) at the beginning of paragraph (b) there shall be inserted “except in the financial year beginning on 1st April 1995,”.

(3) In paragraph 2(12) for “0.91” there shall be substituted “0.97”.

(4) In paragraph 8(1) for “2.1”, “2” and “1.85” there shall be substituted respectively “2.5”, “2.7” and “2.0”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State

8th December 1994

David Curry
Minister of State,
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under Part II of Schedule 8 to the Local Government Finance Act 1988, billing authorities are required to pay amounts (called non-domestic rating contributions) to the Secretary of State. Payments in respect of a provisional amount of the contributions are made during the financial year, final calculations and any adjustments of payments being made after the year ends.

These Regulations amend the rules for calculation of contributions contained in the Non-Domestic Rating Contributions (England) Regulations 1992 (“the 1992 Regulations”). Regulation 2 corrects a misleading reference introduced into the 1992 Regulations by [S. I.1994/1431](#). Regulation 3 amends Schedule 1 to the 1992 Regulations for 1995/6 and subsequent years; it allows certain legal costs to be deducted from the amount of the contributions and alters certain figures used in the calculation of contributions. Regulation 4 amends Schedule 2 to the 1992 Regulations by excluding the assumption required for the financial year beginning on 1st April 1995 in relation to enterprise zones and by altering certain figures which are relevant in relation to the calculation of provisional amounts.