

2009 No. 2202 (C. 96)

LOCAL GOVERNMENT, ENGLAND

RATING AND VALUATION, ENGLAND

**The Business Rate Supplements Act 2009
(Commencement No. 1) (England) Order 2009**

Made - - - -

14th August 2009

The Secretary of State, in exercise of the powers conferred by section 32(2) of the Business Rate Supplements Act 2009(a), makes the following Order:

Citation and application

1. This Order, which applies in England only, may be cited as the Business Rate Supplements Act 2009 (Commencement No. 1) (England) Order 2009.

Commencement of the Business Rate Supplements Act 2009

2. With the exception of section 16(5) and Schedule 2, the Business Rate Supplements Act 2009, so far as it is not already in force(b), shall come into force on 19th August 2009.

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

14th August 2009

Ian Austin
Parliamentary Under Secretary of State
Department for Communities and Local Government

(a) 2009 c.7. This power is exercisable by the appropriate national authority. The appropriate national authority is defined by section 30(1)(a) in relation to local authority areas in England as the Secretary of State.
(b) By virtue of section 32(1), sections 28 to 32 came into force on the day on which the Act was passed.

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 32 of the Business Rate Supplements Act 2009 (“the Act”), that section and sections 28 to 31 of the Act came into force on the day on which it was passed: 2nd July 2009. With the exception of section 16(2) and Schedule 2, this Order brings the remaining provisions of the Act into force on 19th August 2009.

In England, the Act provides county councils, district councils in areas where there is no county council, and, in London, the Greater London Authority (“levying authorities”) with the power to levy a supplement on the national business rate with effect from 1st April 2010.

The Act requires levying authorities wishing to launch a business rate supplement (“BRS”) to consult on proposals set out in a prospectus and to hold ballots where revenue from the BRS will amount to more than one third of the total cost of the project to be funded. It sets a national limit for BRS of 2p per pound of rateable value and enables the Secretary of State to prescribe, by regulations, a rateable value threshold for triggering liability for BRS. The Act enables levying authorities to offset Business Improvement District (“BID”) levies under the Local Government Act 2003 (c. 26) against liability for BRS and to grant relief from BRS liability. It makes provision for the calculation of liability, collection and enforcement and in relation to accounting for BRS revenues, sets out the circumstances in which a BRS may be varied and contains a power for the Secretary of State to cancel a BRS.

Section 16(5) and Schedule 2, which are not commenced by this Order, make provision for a new type of BID – a BRS-BID – to be funded by a BRS-BID levy.

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

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