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WELSH STATUTORY INSTRUMENTS

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**2005 No. 1312**

**The Business Improvement Districts (Wales) Regulations 2005**

**Application, name, commencement and interpretation**

1.—(1) These Regulations, which apply in Wales, may be cited as the Business Improvement Districts (Wales) Regulations 2005 and shall come into force on 13 May 2005.

(2) In these Regulations —

“the 1972 Act” (“*Deddf 1972*”) means the Local Government Act 1972<sup>(1)</sup>;

“the 1988 Act” (“*Deddf 1988*”) means the Local Government Finance Act 1988<sup>(2)</sup>;

“the 1989 Regulations” (“*Rheoliadau 1989*”) means the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989<sup>(3)</sup>;

“the Act” (“*y Ddeddf*”) means the Local Government Act 2003;

“alteration ballot” (“*pleidlais ddiwygio*”) has the meaning given in regulation 17;

“alteration proposals” (“*cynigion diwygio*”) means proposals in relation to the alteration of BID arrangements in accordance with regulation 17;

“the amount payable” (“*swm sy'n daladwy*”) for a chargeable period or part of a chargeable period in relation to a particular person, a relevant billing authority and a hereditament means—

- (a) the amount which that person is liable to pay to the authority as regards the hereditament in respect of the period or part thereof under section 46 of the Act by virtue of that person falling within the description of persons liable to the BID levy in the BID arrangements; or
- (b) where an amount falls to be credited by the authority against that person’s liability in respect of the period or part thereof, the amount (if any) by which the amount referred to in sub-paragraph (a) exceeds the amount falling to be so credited;

“ballot holder” (“*trefnydd y bleidlais*”) has the meaning given in regulation 6;

“barcode” (“*cod bar*”) means marks —

- (a) appearing on the ballot paper and containing in an encoded form information relating to that voter and that ballot;
- (b) capable of being scanned electronically in a manner that permits the encoded information contained in the marks to be decoded; and
- (c) in which the information encoded in the marks cannot be decoded when read only by the human eye;

“BID” (“*AGB*”) means business improvement district;

“BID ballot” (“*pleidlais AGB*”) means a ballot under section 49(1) of the Act;

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(1) 1972 c. 70.

(2) 1988 c. 41.

(3) S.I.1989/1058; amendments are made by S.I. 1990/145, 1991/141, 1991/1127, 1992/474, 1992/1512, 1993/774, 1993/894, 1993/1493, 1995/212, 1998/3089 and 2003/1714.

“BID body” (“*corff AGB*”) means, where a local authority BID body is not responsible for implementing the BID arrangements, the body (whether corporate or not corporate) responsible for the implementation of the arrangements;

“BID proposer” (“*cynigydd yr AGB*”) means a person who draws up BID proposals;

“commencement date” (“*dyddiad cychwyn*”) means, subject to regulation 9(12), the day on which, in accordance with section 53 of the Act, the BID arrangements are to come into force;

“data form” (“*ar ffurf data*”) means information which is in a form which is capable of being processed by means of equipment operating automatically in response to instructions given for that purpose;

“the day of the ballot” (“*diwrnod y bleidlais*”) means the day determined by the ballot holder, in accordance with paragraph 2 of Schedule 2;

“demand notice” (“*hysbysiad galw am dalu*”) means the notice required to be served under paragraph 2(1) of Schedule 4;

“electronic communication” (“*cyflwyno...yn electronig*”) means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa) —

(a) by means of a telecommunication system (within the meaning of the Telecommunications Act 1984<sup>(4)</sup>); or

(b) by other means but while in electronic form;

“hereditament” (“*hereditament*”) means anything which is or is treated as being a hereditament by virtue of the provisions of or any provisions made under section 64 of the 1988 Act including any hereditament to which regulation 6 of the Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989<sup>(5)</sup> applies but otherwise excluding any hereditament to which regulations made under section 64(3)(b) of the 1988 Act apply;

“liability order” (“*gorchymyn atebolrwydd*”) has the meaning given in regulation 10 of the 1989 Regulations;

“local authority BID body” (“*corff AGB llywodraeth leol*”) means, where the relevant billing authority or a company under the control of the authority (within the meaning given in section 68 of the Local Government and Housing Act 1989<sup>(6)</sup>) is responsible for implementing the BID arrangements, that person;

“National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“person entitled to vote” (“*person sydd â hawl i bleidleisio*”) has the meaning given in regulation 8;

“re-ballot” (“*ail bleidlais*”) means a BID ballot, renewal ballot, or alteration ballot, as the case may be, which is required to be arranged in accordance with regulation 9(10);

“relevant billing authority” (“*awdurdod bilio perthnasol*”) means the billing authority for the geographical area of the BID;

“renewal ballot” (“*pleidlais adnewyddu*”) means a ballot under section 54(2) of the Act;

“renewal proposals” (“*cynigion adnewyddu*”) means proposals in relation to the renewal of the BID arrangements under section 54(2) of the Act;

“veto” (“*feto*”) means a veto by the relevant billing authority in accordance with section 51(2) of the Act;

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(4) 1984 c. 12.

(5) S.I. 1989/1060; relevant amendments are made by S.I. 1993/616.

(6) 1989 c. 42.

“veto notice” (“*hysbysiad feto*”) means a notice given by a billing authority in accordance with section 51(4) of the Act; and

“working day” (“*diwrnod gwaith*”) means any day other than a Saturday, Sunday, Christmas Day, Good Friday or any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(7).

(3) In these Regulations a reference —

- (a) to a numbered regulation or Schedule is to the regulation in or Schedule to these Regulations bearing that number;
- (b) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;
- (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.