

SCHEDULES

SCHEDULE 2

Section 16

BRS-BID ARRANGEMENTS

Preliminary

- 1 (1) This Schedule applies in the following four cases.
- (2) The first case is where—
 - (a) a levying authority whose area is in England imposes a BRS, and
 - (b) at the time of the imposition, all or part of the authority's area is comprised in a business improvement district.
- (3) The second case is where—
 - (a) a levying authority whose area is in England may impose a BRS (the conditions in section 4 having been satisfied), and
 - (b) all or part of the authority's area is comprised in a business improvement district.
- (4) The third case is where—
 - (a) a billing authority whose area is in England makes BID arrangements, and
 - (b) the business improvement district in respect of which the arrangements are made comprises all or part of an area in which a BRS has been imposed (and the imposition has not come to an end).
- (5) The fourth case is where—
 - (a) a billing authority whose area is in England makes BID arrangements, and
 - (b) the business improvement district in respect of which the arrangements are made comprises all or part of an area in which a BRS may be imposed (the conditions in section 4 having been satisfied).

Arrangements

- 2 (1) The billing authority may make arrangements under this Schedule ("BRS-BID arrangements") in respect of the business improvement district.
- (2) For that purpose, it does not matter whether the BID arrangements in respect of the district are yet in force.
- (3) The purpose of BRS-BID arrangements is to enable—
 - (a) the projects specified in the arrangements to be carried out for the benefit of the district or those who live, work or carry on an activity in the district, and
 - (b) those projects to be financed (in whole or in part) by a levy ("BRS-BID levy") imposed on persons who have a relevant property interest.

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- (4) A project specified in BRS-BID arrangements need not be a project that is specified in the BID arrangements.
- (5) Where a project specified in BRS-BID arrangements is a project that is specified in the BID arrangements, the ways in which the project may be financed by BRS-BID levy include offsetting the amount of a liability for BRS-BID levy against the amount of a liability for BID levy.
- (6) A person has a relevant property interest if the person has an interest of a prescribed description in a hereditament that is—
 - (a) situated in the district, and
 - (b) shown in the local non-domestic rating list maintained for the billing authority.
- (7) “Prescribed” means prescribed by regulations; but the regulations may prescribe only freehold, leasehold or commonhold interests.

BRS-BID levy

- 3 (1) BRS-BID levy may be imposed only for periods falling within—
 - (a) the chargeable period of the BRS, and
 - (b) the period in which the BID arrangements are in force.
- (2) The length of a period for which BRS-BID levy is imposed, and the day on which it begins, are to be such as may be specified in the BRS-BID arrangements.
- (3) The amount of BRS-BID levy for such period—
 - (a) is to be calculated in such manner as may be provided in the BRS-BID arrangements, and
 - (b) may be different for different cases.
- (4) Regulations may make provision as to the manner in which the amount of BRS-BID levy is to be calculated; and sub-paragraph (3)(a) accordingly has effect subject to such provision.

Liability for BRS-BID levy

- 4 (1) BRS-BID arrangements must specify the description of persons who are to be liable for BRS-BID levy for the period for which the levy is imposed.
- (2) A person is to be liable for BRS-BID levy for that period if the person comes within that description at any time within that period.
- (3) Amounts paid to the authority by way of BRS-BID levy must be credited to the revenue account kept by the authority under section 47(1) of the 2003 Act for the purposes of the BID arrangements.
- (4) Regulations may provide that a person who would, but for this sub-paragraph, be liable to pay each of the BRS, BID levy and BRS-BID levy in respect of the same hereditament is instead to be liable to pay only—
 - (a) the BRS, and
 - (b) either BID levy or BRS-BID levy.

- (5) Regulations may make provision for securing that a tenant of a hereditament is not required by reference to the tenancy to make payments the effect of which would be to reimburse the landlord to any extent for amounts payable by the landlord by way of BRS-BID levy.

Approval in ballot

- 5
- (1) BRS-BID arrangements are not to come into force unless proposals for the arrangements (“BRS-BID proposals”) are approved by a ballot of those who are to be liable for the proposed BRS-BID levy.
 - (2) BRS-BID proposals are not to be regarded as approved by a ballot held for the purposes of sub-paragraph (1) unless the following two conditions are satisfied.
 - (3) The first condition is that a majority of persons voting in the ballot have voted in favour of the proposals.
 - (4) The second condition is that A exceeds B.
 - (5) “A” is such amount as is calculated by reference to rateable value in the manner prescribed in regulations and is attributable to persons who voted in favour of the proposals.
 - (6) “B” is such amount as is calculated by reference to rateable value in the manner prescribed in regulations and is attributable to persons who voted against the proposals.
 - (7) Regulations making provision for the purposes of sub-paragraphs (5) and (6) may, in particular, provide for the amounts in question to be calculated by aggregating the rateable values of each hereditament in respect of which a person voted in the ballot.
 - (8) Sub-paragraphs (1) and (2) are subject to provision made in regulations under paragraph 10(1)(g).

Combination with ballot on BID proposals, etc.

- 6
- (1) Regulations under paragraph 10(1)(g) may, in particular, provide for a ballot on BRS-BID proposals—
 - (a) to be combined with a BID ballot;
 - (b) to be held at the same time as (but not to be combined with) a BID ballot;
 - (c) to be held within such period from the date of a BID ballot as the regulations may prescribe.
 - (2) Regulations making provision for a case within sub-paragraph (1)(a) may provide for one or other of the following—
 - (a) for the BRS-BID proposals to be regarded as approved if conditions prescribed by the regulations are satisfied in relation to them;
 - (b) for the proposals to be regarded as approved only if conditions so prescribed are satisfied in relation to them and conditions so prescribed are satisfied in relation to the matter on which the BID ballot is held.
 - (3) Provision by virtue of sub-paragraph (2) may authorise the person entitled to draw up the BRS-BID proposals to decide which of paragraphs (a) and (b) of that sub-

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paragraph is to provide the basis for the assessment of whether the proposals may be regarded as approved.

- (4) A condition prescribed for the purposes of sub-paragraph (2) may, in particular, involve weighting a person's vote by reference to the extent of the person's liability to BID levy or BRS-BID levy.
- (5) A "BID ballot" is a ballot held for the purposes of section 49 or 54 of the 2003 Act in relation to the BID.
- (6) Nothing in this paragraph is to be taken as limiting the power conferred by paragraph 10(1)(g).

Veto

- 7 (1) This paragraph applies where BRS-BID proposals are approved by a ballot held for the purposes of paragraph 5(1).
- (2) The billing authority may, in such circumstances as regulations may prescribe, veto the proposals within such period from the date of the ballot as the regulations prescribe.
- (3) In deciding whether to exercise the veto, the billing authority must have regard to such matters as the regulations prescribe.

Information

- 8 (1) Regulations may authorise the disclosure of information to a billing authority so as to enable it to identify persons who, as regards a hereditament of the description given in paragraph 2(6), have an interest of a description prescribed for the purposes of that paragraph.
- (2) Regulations may for the purposes of this Schedule confer on a billing authority such power as an acquiring authority has under section 5A of the Acquisition of Land Act 1981 (c. 67) (power to require information); and for that purpose the regulations may apply (with or without modifications)—
 - (a) that section;
 - (b) section 5B of that Act (offence);
 - (c) paragraphs 5A to 5E of Schedule 9 to the 1988 Act (civil penalty);
 - (d) provision made by virtue of paragraph 5F of that Schedule.
- (3) Provision by virtue of sub-paragraph (2) may not modify a provision so as to impose a penalty greater than that imposed by the provision being modified.
- (4) A billing authority—
 - (a) may not use information provided to it by virtue of this paragraph except in so far as is necessary for the purposes of this Schedule, and
 - (b) may not disclose the information (except in accordance with an enactment, in pursuance of an order of a court or with the consent of any person to whom the information relates).

Application of Part 4 of the Local Government Act 2003

- 9 (1) The following provisions of the 2003 Act apply to BRS-BID arrangements, BRS-BID levy and BRS-BID proposals as they apply to BID arrangements, BID levy and BID proposals—
- (a) section 43 (additional contributions and action);
 - (b) section 44 (duty to comply with arrangements);
 - (c) section 46(3) and (4) (liability);
 - (d) section 51(4) to (6) (veto);
 - (e) section 52(1) (appeal against veto);
 - (f) section 53 (commencement);
 - (g) section 54(1) to (3) (duration).
- (2) For the purposes of sub-paragraph (1)—
- (a) a reference to a chargeable period in relation to BID levy is to be read as a reference to a period for which BRS-BID levy is to be imposed;
 - (b) a reference to a ballot for the purposes of section 49 of the 2003 Act is to be read as a reference to a ballot for the purposes of paragraph 5;
 - (c) a reference to the two conditions in section 50 of the 2003 Act is to be read as a reference to the two conditions in paragraph 5;
 - (d) a reference to a veto under section 51 of the 2003 Act is to be read as a reference to a veto under paragraph 7;
 - (e) a reference to an appeal under section 52 of the 2003 Act is to be read as a reference to an appeal by virtue of sub-paragraph (1)(e);
 - (f) a reference to non-domestic ratepayers liable to a proposed BID levy is to be read as a reference to persons liable to a proposed BRS-BID levy.
- (3) Section 47(3) of the 2003 Act (revenue account) applies as if after “BID arrangements” there were inserted “or BRS-BID arrangements”.

Regulations

- 10 (1) Regulations may make such provision for the purposes of this Schedule as may be made in regulations under any of the following provisions of the 2003 Act—
- (a) section 42 (joint arrangements);
 - (b) section 47 (revenue account);
 - (c) section 48 (administration);
 - (d) section 49 (proposals);
 - (e) section 52 (appeal against veto);
 - (f) section 54 (duration);
 - (g) section 55 (ballots).
- (2) Regulations under this paragraph may amend, or apply (with or without modifications), a provision of regulations made under—
- (a) the relevant provision of the 2003 Act referred to in sub-paragraph (1);
 - (b) section 56 of that Act (further provision).

Interpretation

- 11 In this Schedule—

Status: This is the original version (as it was originally enacted).

“the 2003 Act” means the Local Government Act [2003 \(c. 26\)](#);
“business improvement district”, “BID arrangements” and “BID proposals” each have the meaning given in Part 4 of the 2003 Act.