

SCHEDULES

SCHEDULE 1

Section 1.

RELIEF FROM NON-DOMESTIC RATES FOR GENERAL STORES ETC. IN RURAL SETTLEMENTS: ENGLAND AND WALES

1 After section 42 of the 1988 Act there is inserted—

“42A Rural settlement list

- (1) Each billing authority shall compile and maintain, in accordance with section 42B below, a list (to be called its rural settlement list).
- (2) A rural settlement list shall have effect for each chargeable financial year and shall identify for each such year any settlements mentioned in subsection (3) below.
- (3) The settlements referred to in subsection (2) above are those which—
 - (a) are wholly or partly within the authority’s area,
 - (b) appear to the authority to have had a population of not more than 3,000 on the last 31st December before the beginning of the chargeable financial year in question, and
 - (c) in that financial year are wholly or partly within an area designated by the Secretary of State by order as a rural area for the purposes of this section.
- (4) A rural settlement list must identify the boundaries of each settlement (whether by defining the boundaries or referring to boundaries defined in a map or other document), but if a settlement is not wholly within the area of a billing authority the list need not identify the boundaries outside the authority’s area.
- (5) An order under subsection (3)(c) above may provide for designating as a rural area any area for the time being identified by any person, in any manner, specified in the order.
- (6) Subsection (1) above does not apply to a billing authority in respect of any chargeable financial year for which there are no such settlements as are mentioned in subsection (3) above (and, accordingly, if the authority has compiled a rural settlement list, it shall cease to maintain that list).

42B Preparation and maintenance of lists

- (1) The billing authority shall, throughout the period of three months preceding the beginning of the first chargeable financial year for which a rural settlement list is to have effect, make available for inspection a draft of the list in the form in which the authority proposes that it should have effect for that year.

- (2) In each chargeable financial year for which a rural settlement list has effect the billing authority shall (if it appears to the authority that section 42A(1) above will apply to the authority in respect of the next chargeable financial year) review the list and consider whether or not, for the next chargeable financial year, any alterations are required to the list in order to give effect to section 42A(2) above.
- (3) If following the review the authority considers that any such alterations are required for that year, it shall, throughout the three months preceding the beginning of that year, make available for inspection a draft of the list in the form in which the authority proposes that it should have effect for that year.
- (4) A billing authority which has compiled a rural settlement list shall make it available for inspection in the form in which the list has effect for each chargeable financial year to which it relates.
- (5) Where a billing authority is required to make any list or draft available for inspection under this section, it shall make the list or draft available at any reasonable hour (and free of charge) at its principal office”.

2 In section 43 of the 1988 Act (occupied hereditaments: liability)—

- (a) in subsection (4), for “subsection (5)” there is substituted “subsections (5) and (6A)”, and
- (b) after subsection (6) there is inserted—

“(6A) Where subsection (6B) below applies, the chargeable amount for a chargeable day shall be calculated in accordance with the formula—

$$\frac{A \times B}{C \times 2}$$

(6B) This subsection applies where—

- (a) on the day concerned the hereditament is within a settlement identified in the billing authority’s rural settlement list for the chargeable financial year,
- (b) the rateable value of the hereditament shown in the local non-domestic rating list at the beginning of that year is not more than any amount prescribed by the Secretary of State by order, and
- (c) on the day concerned—
 - (i) the whole or part of the hereditament is used as a qualifying general store or qualifying post office, or
 - (ii) any conditions prescribed by the Secretary of State by order are satisfied;

and subsections (6C) to (6E) below apply for the purposes of this subsection.

(6C) A hereditament, or part of a hereditament, is used as a qualifying general store on any day in a chargeable financial year if—

- (a) a trade or business consisting wholly or mainly of the sale by retail of both food for human consumption (excluding

confectionery) and general household goods is carried on there, and

- (b) such a trade or business is not carried on in any other hereditament, or part of a hereditament, in the settlement concerned.

(6D) A hereditament, or part of a hereditament, is used as a qualifying post office on any day in a chargeable financial year if—

- (a) it is used for the purposes of the Post Office (within the meaning of the Post Office Act 1953), and
- (b) no other hereditament, or part of a hereditament, in the settlement concerned is so used.

(6E) Where a hereditament or part is used as a qualifying general store or qualifying post office on any day in a chargeable financial year, it is not to be treated as ceasing to be so used on any subsequent day in that year merely because the condition in subsection (6C) (b) or (6D)(b) above ceases to be satisfied”.

3 In section 47 (discretionary relief)—

- (a) in subsection (1), after “(3) below” there is inserted “or the rural settlement condition and the second condition mentioned in subsection (3) below” and for “43(4) to (6)” there is substituted “43(4) to (6B)”,
- (b) after subsection (3) there is inserted—

“(3A) The rural settlement condition is—

- (a) that on the chargeable day the hereditament is within a settlement identified in the billing authority’s rural settlement list for the chargeable financial year in which that day falls, and
- (b) that the rateable value of the hereditament shown in the local non-domestic rating list at the beginning of the chargeable financial year is not more than any amount prescribed by the Secretary of State by order.

(3B) Where section 43(6B)(c) above does not apply, the billing authority shall not, by virtue of subsection (3A) above, make such a decision as is referred to in subsection (3) above unless it is satisfied that—

- (a) the hereditament is used for purposes which are of benefit to the local community, and
- (b) it would be reasonable for the billing authority to make such a decision, having regard to the interests of persons liable to pay council tax set by it”.

4 In section 48 (discretionary relief: supplementary), at the end of subsection (1) there is added “(but subsection (5) below does not apply for the purposes of subsection (3B)(a) of that section)”.

5 In section 58 (regulations making special provision for 1995 onwards), in subsection (3)(b), for “43(4) to (6)” there is substituted “43(4) to (6E)”.

6 In section 143 of the 1988 Act (orders and regulations)—

- (a) in subsection (3), for “(4)” there is substituted “(3A)”, and
- (b) after that subsection there is inserted—

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

“(3A) The power to make an order under section 43(6B)(c)(ii) above shall be exercisable by statutory instrument, and no such order shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament”.