



Business Rate Supplements Act 2009

2009 CHAPTER 7

Power to impose business rate supplements

1 Power to impose a BRS E+W

- (1) A levying authority has power to impose a levy, to be called a “business rate supplement” (referred to in this Act as a “BRS”), on non-domestic ratepayers in its area.
- (2) The purpose of imposing a BRS is to raise money for expenditure on a project that the authority is satisfied will promote economic development in its area.
- (3) A person is a “non-domestic ratepayer” in the area of a levying authority if the person is, as regards a hereditament in the authority's area, subject to a non-domestic rate under—
 - (a) section 43 of the 1988 Act (occupiers of properties), or
 - (b) section 45 of that Act (owners of empty properties).
- (4) “The 1988 Act” means the Local Government Finance Act 1988 (c. 41).

Commencement Information

II [S. 1](#) in force at 19.8.2009 for E. by [S.I. 2009/2202](#), [art. 2](#)

2 Levying authorities E+W

- (1) In this Act, “levying authority” means—
 - (a) the Greater London Authority;
 - (b) a county council in England;
 - (c) a district council for an area in England for which there is no county council;
 - (d) a county council or county borough council in Wales.
- (2) The power conferred on a levying authority by section 1(1) may be exercised jointly with one or more other levying authorities.

Changes to legislation: There are currently no known outstanding effects for the Business Rate Supplements Act 2009, Cross Heading: Power to impose business rate supplements. (See end of Document for details)

- (3) Where two or more levying authorities are acting jointly by virtue of this section, a reference in this Act to a levying authority is (except where there is contrary provision) to be read as a reference to those authorities acting jointly.

Commencement Information

I2 S. 2 in force at 19.8.2009 for E. by S.I. 2009/2202, art. 2

3 Use of money raised by a BRS E+W

- (1) A levying authority must secure that the sums it receives in respect of a BRS are used only for expenditure—
- (a) on the project to which the BRS relates, and
 - (b) that the authority would not have incurred had it not imposed the BRS.
- (2) A levying authority may use sums it receives in respect of a BRS to make payments in respect of money loaned for the purpose of providing funding for the project to which the BRS relates.
- (3) A levying authority must not use sums it receives in respect of a BRS to provide—
- (a) housing;
 - (b) social services;
 - (c) education services;
 - (d) services for children;
 - (e) health services;
 - (f) services that the authority provides in the discharge of functions imposed by or under the Planning Acts (as defined by the Town and Country Planning Act 1990 (c. 8)).
- (4) Regulations may amend subsection (3) so as to add, vary or omit a reference to a matter.
- (5) The Greater London Authority may make arrangements with a functional body for some or all of the sums that the Greater London Authority receives in respect of a BRS imposed by it to be used by the body for expenditure on the project to which the BRS relates.
- (6) A reference to sums that a levying authority receives in respect of a BRS includes a reference to financial contributions made to it for the purpose of enabling the project to which the BRS relates to be carried out.
- (7) The reference in subsection (6) to financial contributions made to a levying authority includes, where the levying authority is not a billing authority, financial contributions—
- (a) made for the purpose specified in subsection (6) to a billing authority which is a lower-tier authority in relation to the levying authority, and
 - (b) transferred to the levying authority.
- (8) A lower-tier authority is—
- (a) in relation to the Greater London Authority—
 - (i) a London borough council, or

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- (ii) the Common Council of the City of London in its capacity as a local authority;
 - (b) in relation to a county council in England, a district council whose area forms part of the county council's area.
- (9) Where the Greater London Authority makes arrangements under subsection (5) with a functional body, this section applies to the body's use of sums that it receives in respect of the BRS as it applies to the Authority's use of sums that the Authority receives in respect of the BRS.
- (10) A reference to sums that a functional body receives in respect of a BRS is a reference to—
 - (a) sums that the Greater London Authority transfers to the body for the purposes of arrangements under subsection (5) that relate to the BRS, and
 - (b) financial contributions made to the body for the purpose specified in subsection (6).
- (11) In subsection (1)(b) as it is applied to a functional body by virtue of subsection (9), the reference to expenditure of the levying authority is to be read as a reference to expenditure of the functional body.

Commencement Information

I3 S. 3 in force at 19.8.2009 for E. by [S.I. 2009/2202](#), [art. 2](#)

Changes to legislation:

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