



# Business Rate Supplements Act 2009

## 2009 CHAPTER 7

### *Involvement of ratepayers, etc.*

#### **10 Variations**

- (1) A levying authority may vary a BRS in so far as the variation is of a kind that may be made in accordance with the final prospectus.
- (2) Otherwise, a levying authority may vary a BRS only if—
  - (a) it has published a document that sets out the proposal for the variation,
  - (b) it has consulted the relevant persons on the proposal,
  - (c) <sup>F1</sup>... a ballot on the proposal has been held and the variation approved, and
  - (d) it has published a document that sets out the arrangements for making the variation.
- (3) A document published for the purposes of subsection (2)(a) or (d) must—
  - (a) specify the amount that the authority expects to raise from the imposition of the BRS on the assumption that the variation is made (the specified amount to include the amount already raised from the imposition of the BRS),
  - (b) specify the authority's estimate of the total cost of the project to which the BRS relates,
  - (c) specify the day on which the variation will, if made, take effect, and
  - (d) include, to the extent that the authority thinks appropriate, such other information as would be included in an initial or final prospectus if the proposal or arrangements were for the imposition of the BRS as varied.
- (4) Section 5 applies as follows in relation to the publication of a document for the purposes of subsection (2)(a) or (d)—
  - (a) subsection (2) of that section applies to the approval of a document before publication for the purposes of subsection (2)(d) as it applies to the approval of a final prospectus before publication;
  - (b) subsection (3) of that section applies to a document published for the purposes of subsection (2)(a) or (d) as it applies to a published initial or final prospectus;

*Changes to legislation: There are currently no known outstanding effects for the Business Rate Supplements Act 2009, Section 10. (See end of Document for details)*

- (c) subsection (4) of that section applies so far as necessary for the purposes of the applications made by paragraphs (a) and (b) of this subsection.
- (5) The relevant persons for the purposes of consultation on a proposal to vary a BRS are those who would be the relevant persons if the proposal were for the imposition of the BRS as varied; for that purpose, section 6 applies as if references to the first day of the chargeable period of the BRS were references to the day specified for the purposes of subsection (3)(c).
- (6) Section 6(6) applies in relation to a document published for the purposes of subsection (2)(a) as it applies in relation to an initial prospectus.
- F<sup>2</sup>(7) .....
- F<sup>2</sup>(8) .....
- F<sup>2</sup>(9) .....
- (10) The proposition to be voted on in a ballot on a proposal to vary a BRS is—
  - “The [*insert name of levying authority*] proposes to vary the business rate supplement set out in [*insert title of prospectus and title of any document setting out a variation to the BRS*]. The proposal is set out in [*insert title of document setting out proposal*]. Should the proposed variation be made?”
- (11) A person is eligible to vote in a ballot on a proposal to vary a BRS if the person is within section 6(2), (3) or (4) (as applied by subsection (5) above); and sections 8 and 9 apply to a ballot on a proposal to vary a BRS as they apply to a ballot on a proposal for the imposition of a BRS.
- (12) A variation the purpose of which is to increase the number of persons liable to pay a chargeable amount may not be made in reliance on subsection (1) (and that subsection is to be read accordingly).

**Textual Amendments**

**F1** Words in s. 10(2)(c) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss., 68(5)(a), 240(3)(c), **Sch. 25 Pt. 9** (with s. 68(7)); S.I. 2012/57, arts. 3(a)(c), 4(1)(ee)(ii)

**F2** S. 10(7)-(9) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss., 68(5)(b), 240(3)(c), **Sch. 25 Pt. 9** (with s. 68(7)); S.I. 2012/57, arts. 3(a)(c), 4(1)(ee)(ii)

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**Commencement Information**

**I1** S. 10 in force at 19.8.2009 for E. by [S.I. 2009/2202](#), **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Business Rate Supplements Act 2009, Section 10.