
STATUTORY INSTRUMENTS

1991 No. 474

**COMMUNITY CHARGES, ENGLAND
AND WALES RATING AND VALUATION**

**The Standard Community Charge and Non-Domestic Rating
(Definition of Domestic Property) (Amendment) Order 1991**

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| <i>Made</i> | - - - - | <i>5th March 1991</i> |
| <i>Laid before Parliament</i> | | <i>11th March 1991</i> |
| <i>Coming into force</i> | - - | <i>1st April 1991</i> |

The Secretary of State for the Environment as respects England, and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by sections 4(7) and 66(9) of the Local Government Finance Act 1988(1), and of all other powers enabling them in that behalf, hereby make the following Order:

1.—(1) This Order may be cited as the Standard Community Charge and Non-Domestic Rating (Definition of Domestic Property) (Amendment) Order 1991 and shall come into force on 1st April 1991.

(2) In this Order a reference to section 4 or 66 is a reference to section 4 or, as the case may be, section 66 of the Local Government Finance Act 1988.

2.—(1) For subsection (5A) of section 4(2) there shall be substituted—

“(5A) Subsection (5) above does not apply if—

- (a) it is intended that within the year beginning with the end of the day in relation to which the question is being considered, short-stay accommodation will be not be provided within the building or part for more than six persons simultaneously; and
- (b) the person intending to provide such accommodation will have his sole or main residence within the building or part throughout any period when such accommodation is to be provided.”.

(2) In subsection (5B)(a) of section 4, before “periods” there shall be inserted the word “short”.

3.—(1) For subsection (2A) of section 66(3) there shall be substituted—

(1) 1988 c. 41. Sections 4 and 66 are amended by S.I. 1990/162.
(2) Subsections (5A) to (5C) are inserted by article 2 of S.I. 1990/162.
(3) Subsections (2A) to (2D) are inserted by article 3 of S.I. 1990/162.

“(2A) Subsection (2) above does not apply if—

- (a) it is intended that within the year beginning with the end of the day in relation to which the question is being considered, short-stay accommodation will not be provided within the hereditament for more than six persons simultaneously; and
- (b) the person intending to provide such accommodation intends to have his sole or main residence within that hereditament throughout any period when such accommodation is to be provided, and that any use of living accommodation within the hereditament which would, apart from this subsection, cause any part of it to be treated as non-domestic, will be subsidiary to the use of the hereditament for, or in connection with, his sole or main residence.”.

(2) In section 66(2D) there shall be added at the end “and on the day in relation to which the question is being considered is not resident in the building or part”.

5th March 1991

Michael Heseltine
Secretary of State for the Environment

5th March 1991

David Hunt
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the definition of domestic property applicable for the purposes of section 3 (standard community charge) and Part III (non-domestic rating) of the Local Government Finance Act 1988.

Article 2 amends section 4 (interpretation) of the Act, so that, for the purposes of the standard community charge, short-stay accommodation intended to be provided for not more than six people is treated as domestic if the person intending to provide it also intends to have his sole or main residence on the premises. Article 3 makes equivalent provision in relation to the definition of domestic property in section 66 of the Act, which has effect for the purposes of non-domestic rating. These provisions supersede those by virtue of which the exclusion depends not on the number of persons accommodated but on the intention to provide accommodation for less than 100 days in the following year.

Article 2 also makes a minor amendment to section 4 to make it consistent with section 66(2B), and article 3 also amends section 66 to clarify the position of property occupied by students so as to be treated as their sole or main residence for the purposes of the personal community charge.