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STATUTORY INSTRUMENTS

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**1992 No. 1512**

**RATING AND VALUATION**

**The Non-Domestic Rating (Collection and Enforcement)  
(Local Lists) (Amendment) Regulations 1992**

<i>Made</i>	- - - -	<i>25th June 1992</i>
<i>Laid before Parliament</i>		<i>25th June 1992</i>
<i>Coming into force</i>	- -	<i>16th July 1992</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 143(1) and (2) and 146(6) of, and paragraphs 1 and 2 of Schedule 9 to, the Local Government Finance Act 1988<sup>(1)</sup>, and section 7 of the Non-Domestic Rating Act 1992<sup>(2)</sup>, and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Non-Domestic Rating (Collection and Enforcement) (Local Lists) (Amendment) Regulations 1992 and shall come into force on 16th July 1992.

**Amendment of Regulations**

2. The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989<sup>(3)</sup> are amended—

- (a) in paragraph (1) of regulation 3 (interpretation and application of Part II), by the insertion, after the definition of “relevant year”, of the following—
  - ““the 1992 Act” means the Non-Domestic Rating Act 1992;
  - “transitional adjustment notice” has the meaning given by paragraph 7A(2)(b) of Schedule 1”;
- (b) in regulation 8 (failure to pay instalments), in the definition of “the estimated amount” in paragraph (8), by the insertion, after the words “paragraph 7(2)”, of the words “or, as the case may be, paragraph 7A or paragraph 7B”;

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(1) 1988 c. 41. Relevant amendments are made by paragraph 44(2) and (3) of Schedule 5 to the Local Government and Housing Act 1989 (c. 42).  
(2) 1992 c. 46.  
(3) S.I.1989/1058; amended by S.I. 1990/145 and S.I. 1991/141.

- (c) in paragraph (3) of regulation 23 (miscellaneous provisions), by the insertion after the words “paragraph 6(3) or 7(2)(a) of Schedule 1” of the words “or sub-paragraph (2) of paragraph 7A of that Schedule (including a notification given under that sub-paragraph pursuant to paragraph 7B(2) of that Schedule)”;
- (d) in paragraph 7 of Schedule 1—
  - (i) in sub-paragraph (1), by the substitution for the words “This paragraph” of the words “Subject to sub-paragraph (1A), this paragraph”; and
  - (ii) by the insertion, after sub-paragraph (1), of the following—
    - “(1A) Except as provided in paragraph 9(2), this paragraph does not apply in a case to which paragraph 7A or 7B applies.”;
- (e) by the insertion, after paragraph 7 of Schedule 1, of the paragraphs set out in regulation 3 below;
- (f) in paragraph 8(a) of Schedule 1, by the substitution, for the words “paragraphs 6(1) to (5) and 7(1) and (3)”, of the words “paragraphs 6(1) to (5), 7(1) and (3), 7A(1)(d) and (5) and 7B(1)(b)”;
- (g) by the substitution, for paragraph 9 of Schedule 1, of the following—

“9.—(1) More than one adjustment of amounts paid or payable under a demand notice may be made under this Part as the circumstances require.

(2) Where a further adjustment falls to be made under this Part after the service of a transitional adjustment notice pursuant to paragraph 7A or 7B—

- (a) paragraph 7 shall apply as if (so far as the context permits) references to the demand notice and to amounts in respect of instalments payable under it were references to the transitional adjustment notice and to the remaining instalments payable under it; and
- (b) in calculating the aggregate amount of instalments payable under a demand notice before the adjustment day for the purposes of sub-paragraphs (4) and (5) of that paragraph in consequence of the revised estimate mentioned in sub-paragraph (3), and without prejudice to sub-paragraph (6) of paragraph 7, there shall not count as so payable any amount in respect of such instalments which has fallen to be repaid (or credited) under paragraph 7A or 7B, as the case may be.”.

3. The paragraphs referred to in regulation 2(e) are—

“7A.—(1) This paragraph applies where—

- (a) the demand notice has been served on a ratepayer by a charging authority;
- (b) the authority’s estimate under regulation 6(1) for the purposes of the notice (“the original estimate”) was made before the coming into force of sections 1 to 3 of the 1992 Act;
- (c) the original estimate is, in consequence of that Act, shown to be false;
- (d) the event mentioned in paragraph 6(1) above has not occurred as regards the hereditament to which the demand notice relates; and
- (e) no notice has been served under paragraph 7(2).

(2) The charging authority shall as soon as practicable after the day on which sections 1 to 3 of the 1992 Act come into force—

- (a) adjust the instalments payable on or after the transitional adjustment day ( “the remaining instalments”) so that they accord with the instalments which would have been payable under the demand notice if—
    - (i) those sections had been in force when the original estimate was made; and
    - (ii) that estimate had been made with reference to that Act; and
  - (b) serve a notice (“transitional adjustment notice”) on the ratepayer which is to state—
    - (i) that it takes account of the 1992 Act;
    - (ii) the amount of the original estimate;
    - (iii) the amount of the estimate mentioned in sub-paragraph (5) (“the 1992 Act estimate”);
    - (iv) the amount of the difference between the amounts of the original estimate and the 1992 estimate;
    - (v) the amount of the instalments which would have been payable under the demand notice if sections 1 to 3 of the 1992 Act had been in force when the original estimate was made and that estimate had been made with reference to that Act;
    - (vi) the amount of each remaining instalment;
    - (vii) the day on which each such instalment is payable, being such of the days specified in the demand notice as fall after the transitional adjustment day; and
    - (viii) the amount of any excess determined in accordance with sub-paragraph (7).”
- (3) A transitional adjustment notice shall be served at least 14 clear days before the day on which an instalment falls to be paid under the demand notice.
- (4) The statement required to be given by sub-paragraph (2)(b)(i) shall be in the following terms—  
“This notice takes account of savings on your rates bill announced in the Budget and made by the Non-Domestic Rating Act 1992.”.
- (5) The amount referred to in sub-paragraph (2)(b)(iii) is the revised estimate of the charging authority of the amount payable for the relevant year in relation to the hereditament, having regard to sections 1 to 3 of the 1992 Act and made on the assumption mentioned in paragraph (1) of regulation 6 and as if the notice mentioned in that paragraph were the transitional adjustment notice.
- (6) For the purposes of sub-paragraph (2), where the demand notice relates to more than one hereditament, references to the amount of the original estimate and the amount of the 1992 Act estimate shall be construed as references to the aggregate of the amount of the original estimates and the aggregate of the amounts of the 1992 Act estimates respectively.
- (7) Insofar as the aggregate of any amounts paid (by reference to the original estimate) before the day on which the transitional adjustment notice is issued exceeds the aggregate of the amounts that would have been payable before that day if the original estimate had been the same as the 1992 Act estimate, the amount of the excess—
  - (a) shall be repaid if the ratepayer so requires;
  - (b) in any other case, shall (as the charging authority determines) either be repaid or be credited against any subsequent liability of the ratepayer to pay anything to the charging authority by way of non-domestic rate.
- (8) In this paragraph “the transitional adjustment day” means the day 14 days after the day on which the transitional adjustment notice is issued.

(9) A transitional adjustment notice need not be given on a single sheet of paper, but if more than one sheet is used, the sheets shall be issued together, whether or not attached, so as to comprise one notice.

**7B.**—(1) This paragraph applies where—

- (a) the events mentioned in paragraph 7A(1)(a) to (c) have occurred;
- (b) the event mentioned in paragraph 6(1) has not occurred as regards the hereditament to which the demand notice relates; and
- (c) a notice has been served in accordance with paragraph 7(2).

(2) Sub-paragraphs (2) to (9) of paragraph 7A shall apply in a case to which this paragraph applies as if—

- (a) for the reference in paragraph (a) of sub-paragraph (2) to the demand notice there were substituted a reference to the demand notice and any notice given under paragraph 7(2) in relation to the demand notice;
- (b) for references in paragraph (b)(ii) and (iv) of sub-paragraph (2) and in sub-paragraph (6) to the original estimate there were substituted references to the revised estimate of which notice has been given under paragraph 7(2) (or, if there has been more than one revised estimate, the last);
- (c) for paragraph (b)(v) of sub-paragraph (2) there were substituted the following—
  - “(v) the amount of the instalments which would have been payable under the demand notice and any notice given under paragraph 7(2) in relation to the demand notice if sections 1 to 3 of the 1992 Act had been in force when the original estimate was made and that estimate had been made with reference to those sections;”;
- (d) in sub-paragraph (6), for the reference to the demand notice there were substituted a reference to the demand notice and any notice given under paragraph 7(2) in relation to the demand notice; and
- (e) in sub-paragraph (7), after the words “by reference to the original estimate”, there were inserted the words “and any revised estimate of which notice has been given under paragraph 7(2)”.

25th June 1992

*Michael Howard*  
Secretary of State for the Environment

23rd June 1992

*David Hunt*  
Secretary of State for Wales

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend provisions of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (“the 1989 Regulations”) which relate to the collection by charging authorities of amounts due by way of non-domestic rates in respect of hereditaments shown in local non-domestic rating lists.

They are consequential on the Non-Domestic Rating Act 1992 (“the 1992 Act”). Section 1 of that Act provides for the removal, from 11th March 1992, of the condition that properties will only remain subject to the limit on rate increases under the non-domestic rating transitional arrangements if the owner or occupier does not change. Sections 2 and 3 of that Act provide for the freezing in real terms in the financial year beginning on 1st April 1992 of rate increases for those moving to higher rate bills under the transitional arrangements; and for an increase in real terms in that year of the amount by which rate bills for those benefiting from lower bills can go down.

Where an amount estimated by a charging authority under the 1989 Regulations as payable for the year by way of non-domestic rates falls to be adjusted in consequence of the 1992 Act, the effect of the amendments made to Schedule 1 to those Regulations is to require the authority to revise the estimate, to adjust the amount of the remaining instalments and to serve a notice (known as a transitional adjustment notice) on a ratepayer who is paying by instalments under those Regulations. The contents of the notice are prescribed. The amendments also have the effect of requiring the charging authority to pay to the ratepayer (if he so requires) a sum equal to the amount of the difference between the amount that he has paid before the adjustment and the amount that he would have been required to pay if the amount of the original estimate had been the same as that of the revised estimate. If the ratepayer does not require a cash payment, the charging authority has the option of making a cash payment or crediting the amount in question against the ratepayer’s subsequent liability.

The amendment of the definition in regulation 8(8) of the 1989 Regulations of “the estimated amount” secures that the sum payable, following a failure to pay an instalment specified in a transitional adjustment notice, is calculated by reference to the estimate made for the purposes of that notice.

The amendment of regulation 23(3) of the 1989 Regulations secures that, in relation to subsequent enforcement procedures under Part III of those Regulations, the amount in respect of which a liability order (for non-payment of rates) has been made will be treated as reduced where an adjustment falls to be made in consequence of the 1992 Act.