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STATUTORY INSTRUMENTS

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**2008 No. 386**

**The Non-Domestic Rating (Unoccupied Property) (England) Regulations 2008**

**Hereditaments not prescribed for the purposes of section 45(1)(d) of the Act**

4. The relevant non-domestic hereditaments described in this regulation are any hereditament—
- (a) which, subject to regulation 5, has been unoccupied for a continuous period not exceeding three months;
  - (b) which is a qualifying industrial hereditament that, subject to regulation 5, has been unoccupied for a continuous period not exceeding six months;
  - (c) whose owner is prohibited by law from occupying it or allowing it to be occupied;
  - (d) which is kept vacant by reason of action taken by or on behalf of the Crown or any local or public authority with a view to prohibiting the occupation of the hereditament or to acquiring it;
  - (e) which is the subject of a building preservation notice within the meaning of the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>(1)</sup> or is included in a list compiled under section 1 of that Act;
  - (f) which is included in the Schedule of monuments compiled under section 1 of the Ancient Monuments and Archaeological Areas Act 1979<sup>(2)</sup>;
  - (g) whose rateable value is less than £2,200;
  - (h) whose owner is entitled to possession only in his capacity as the personal representative of a deceased person;
  - (i) where, in respect of the owner's estate, there subsists a bankruptcy order within the meaning of section 381(2) of the Insolvency Act 1986<sup>(3)</sup>;
  - (j) whose owner is entitled to possession of the hereditament in his capacity as trustee under a deed of arrangement to which the Deeds of Arrangement Act 1914<sup>(4)</sup> applies;
  - (k) whose owner is a company which is subject to a winding-up order made under the Insolvency Act 1986 or which is being wound up voluntarily under that Act;
  - (l) whose owner is a company in administration within the meaning of paragraph 1 of Schedule B1 to the Insolvency Act 1986 or is subject to an administration order made under the former administration provisions within the meaning of article 3 of the Enterprise Act 2002 (Commencement No. 4 and Transitional Provisions and Savings) Order 2003<sup>(5)</sup>;
  - (m) whose owner is entitled to possession of the hereditament in his capacity as liquidator by virtue of an order made under section 112 or section 145 of the Insolvency Act 1986.

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(1) 1990 c.9. "Building preservation notice" is defined in section 91(1).

(2) 1976 c.46.

(3) 1986 c.45.

(4) 1914 c.47.

(5) S.I. 2003/2093, to which there are amendments not relevant to these Regulations.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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