
STATUTORY INSTRUMENTS

2017 No. 496

**The Non-Domestic Rating (Rates Retention) and
(Levy and Safety Net) (Amendment) Regulations 2017**

PART 2

Rates retention

Amendment of Schedule 4

10.—(1) In Schedule 4 (rules for estimation and apportionment of surplus and deficit), paragraph 2 is amended as follows.

(2) In sub-paragraph (1), for “The” substitute “Unless sub-paragraph (1A), (1B), (1C) or (1D) applies, the”.

(3) After sub-paragraph (1) insert—

“(1A) For the relevant year beginning on 1st April 2018, the Secretary of State’s share of any surplus or of any deficit estimated for that year under paragraph 1 by a billing authority listed in Part 1 of Schedule 5 is calculated in accordance with the formula—

$$(A - (B + C - D - E)) \times 33\% + ((B + C - D - E) \times 50\%)$$

(1B) For the relevant year beginning on 1st April 2018, the Secretary of State’s share of any surplus or of any deficit estimated for that year under paragraph 1 by a billing authority listed in Parts 2 to 6 of Schedule 5 is calculated in accordance with the formula—

$$(B + C - D - E) \times 50\%$$

(1C) For a relevant year beginning on or after 1st April 2019, the Secretary of State’s share of any surplus or of any deficit estimated for that year under paragraph 1 by a billing authority listed in Part 1 of Schedule 5 is 33%.

(1D) For a relevant year beginning on or after 1st April 2019, the Secretary of State’s share of any surplus or of any deficit estimated for that year under paragraph 1 by a billing authority listed in Parts 2 to 6 of Schedule 5 is zero.”.

(4) In sub-paragraph (2)—

(a) for “A relevant” substitute “Unless sub-paragraph (2A) or (2B) applies, a relevant”; and

(b) after “regulation 5(3)” insert “or (3A)”.

(5) After sub-paragraph (2) insert—

“(2A) Where the relevant precepting authority is the Greater London Authority, its share of any surplus or of any deficit—

(a) for the relevant year beginning on 1st April 2017, is 20%;

(b) for the relevant year beginning on 1st April 2018, is calculated in accordance with the formula—

$$(A - (B + C - D - E)) \times 37\% + ((B + C - D - E) \times 20\%)$$

(2B) Where the relevant precepting authority is the West of England Combined Authority, its share of any surplus or of any deficit—

- (a) for the relevant year beginning on 1st April 2017, is zero;
- (b) for the relevant year beginning on 1st April 2018, is calculated in accordance with the formula—

$$(A - (B + C - D - E)) \times 5\%$$

(6) In sub-paragraph (3), for “The” substitute “Unless any of the following sub-paragraphs applies, the”.

(7) After sub-paragraph (3) insert—

“(4) For the relevant year beginning on 1st April 2018, for a billing authority listed in Parts 2 to 4 of Schedule 5, the billing authority’s share of any surplus or of any deficit for that year is calculated in accordance with the formula—

$$(A - (B + C - D - E)) \times 99\% + ((B + C - D - E) \times 49\%)$$

(5) For the relevant year beginning on 1st April 2018, for a billing authority listed in Part 5 of Schedule 5, the billing authority’s share of any surplus or of any deficit for that year is calculated in accordance with the formula—

$$(A - (B + C - D - E)) \times 94\% + ((B + C - D - E) \times 49\%)$$

(6) For the relevant year beginning on 1st April 2018, for a billing authority listed in Part 6 of Schedule 5, the billing authority’s share of any surplus or of any deficit for that year is calculated in accordance with the formula—

$$(A - (B + C - D - E)) \times 100\% + ((B + C - D - E) \times 50\%)$$

(7) For a relevant year beginning on or after 1st April 2019, the billing authority’s share of any surplus or of any deficit for that year is—

- (a) for a billing authority listed in Parts 2 to 4 of Schedule 5, 99%;
- (b) for a billing authority listed in Part 5 of Schedule 5, 94%;
- (c) for a billing authority listed in Part 6 of Schedule 5, 100%.

(8) In this paragraph—

A is the surplus or deficit estimated for the relevant year beginning on 1st April 2018;

B is the amount mentioned in paragraph 1(3)(a);

C is the amount mentioned in paragraph 1(3)(e);

D is the amount mentioned in paragraph 1(4)(a);

E is the amount mentioned in paragraph 1(4)(g).”.