

Explanatory Memorandum to the Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2012

This Explanatory Memorandum has been prepared by Local Government Finance and Public Service Performance Division and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2012.

Carl Sargeant

Minister for Local Government and Communities

20 February 2012

1. Description

The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2012 (the Regulations) amend the Non - Domestic Rating (Demand Notices) (Wales) Regulations 1993 (SI 1993/252) (the 1993 Regulations).

The 1993 Regulations prescribe (a) the contents of rate demand notices, which are issued by billing authorities (borough and county councils) in Wales, and (b) the information to be supplied when such notices are served by those authorities.

These Regulations, which apply in relation to Wales, amend the 1993 Regulations by revising the information to be supplied concerning the small business rate relief scheme.

That scheme was introduced by the Non-Domestic Rating (Small Business Relief) (Wales) Order 2008 (SI 2008/2770).

The explanatory information was of a general nature before the small business relief scheme was initiated in 2008. More detailed information was then included (by regulations amending the 1993 Regulations), specifying what the different reliefs were for different types of property. The current requirements about the small business relief scheme need to be amended (by amending regulations) to reflect the changes made in 2011 and the proposed change for 2012 (made by the Non-Domestic Rating (Small Business Relief) (Wales) (Amendment) Order 2012. It is appropriate to be less specific in describing the reliefs available. Thus the wording now states " Full details including the eligibility criteria, the exceptions, the procedural requirements and the relevant rates reliefs are available from the billing authority."

The Welsh Ministers prescribe the wording to be used.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None

3. Legislative Background

The powers to amend the 1993 Regulations are contained in sections 143(2) and 146(6) of, and paragraphs 1 and 2 (2) of Schedule 9 to, the Local Government Finance Act 1988, and section 26(3) of the Welsh Language Act 1993. These powers were transferred to the Assembly under the National Assembly for Wales (Transfer of Functions) Order 1999 and are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

The Regulations follow the negative procedure.

4. Purpose and intended effect of the legislation

The Regulations update the wording of the explanatory information concerning the small business rate relief scheme sent to rate payers with their non domestic rates demands notices. The information advises ratepayers that they may obtain from their billing authority details of the scheme including the eligibility criteria, the exceptions, the procedural requirements and the relevant rates reliefs that are available.

5. Consultation

These amendments update factual information, are technical in nature, have no policy or financial implications and impose no additional costs. Therefore no consultation exercise has been undertaken.

6. Regulatory Impact Assessment (RIA)

A regulatory impact assessment has not been produced for this instrument as it simply amends the wording of the explanatory information sent to rate payers with their non domestic rates demands notices.

7. The Regulations have no impact on –

(a) the statutory duties of the Welsh Ministers concerning equality of opportunity (section 77 of the Government of Wales Act 2006), the Welsh language (section 78) and sustainable development (section 79); and

(b) the local government, voluntary sector and business schemes made under sections 73, 74 and 75 of the Government of Wales Act 2006 respectively.