

Explanatory Memorandum to The Central Rating List (Wales) (Amendment) Regulations 2024

This Explanatory Memorandum has been prepared by Non-Domestic Rates Policy and Reform Division and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Central Rating List (Wales) (Amendment) Regulations 2024.

Rebecca Evans MS
Cabinet Secretary for Finance, Constitution and Cabinet Office
19 June 2024

PART 1: EXPLANATORY MEMORANDUM

Description

1. The Central Rating List (Wales) Regulations 2005 (“the 2005 Regulations”) prescribe the content of the central non-domestic rating (NDR) list for Wales. Designated persons (companies which are the ratepayer in relation to central list hereditaments) are named in the Schedule of the 2005 Regulations. The Central Rating List (Wales) (Amendment) Regulations 2024 (“the 2024 Regulations”) amend the 2005 Regulations to update references to designated persons and omit those which are no longer central list ratepayers.

Matters of special interest to the Legislation, Justice and Constitution Committee

2. None.

Legislative background

3. Section 53(1) of the Local Government Finance Act 1988 (“the 1988 Act”) provides that regulations may be made which designate a person and prescribe, in relation to that person, one or more descriptions of a non-domestic hereditament on the central rating list. The 2005 Regulations, as amended, specify these designated persons alongside defining relevant descriptions.
4. Section 53(1) of the 1988 Act confers powers on the Secretary of State. The powers of the Secretary of State were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were subsequently transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
5. The power to amend the 2005 Regulations is subject to the negative procedure.

Purpose and intended effect of the legislation

6. The purpose of the 2024 Regulations is to amend the 2005 Regulations to update the names of designated persons in respect of central list hereditaments.
7. The Schedule to the 2005 Regulations contains 11 Parts corresponding to different types of central list hereditament. The 2024 Regulations update the names of designated persons within the Schedule to reflect changes in company names, or to omit those which no longer exist or occupy a central list hereditament. Regulations 9 and 11 of the 2005 Regulations are also amended, to align with changes to the names of certain designated persons in Parts 3 and 5 of the Schedule.

8. The 2024 Regulations also provide for additional clarity in relation to the corporate identity of the designated persons, by ensuring that company names are accompanied by the relevant company number. This is the information used by the Valuation Office Agency (responsible for compiling non-domestic rating lists for Wales) to track changes of company names for designated persons to ensure they remain on the central rating list.
9. These are administrative amendments which will not change the practice of the Valuation Office Agency or the liability of individual ratepayers. The changes will apply from 18 July 2024.

Consultation

10. The Welsh Government has not undertaken a consultation. The 2024 Regulations provide for administrative amendments which will not have any practical effect on the Valuation Office Agency or central list ratepayers.

Regulatory Impact Assessment

11. A Regulatory Impact Assessment has not been prepared for the 2024 Regulations as they make factual amendments to update the 2005 Regulations and do not alter the impact of the policy. This is in line with the policy set out in the *Welsh Ministers' Regulatory Impact Assessment Code for Subordinate Legislation*.