

**2011 No. 197 (W. 40)**

**RATING AND VALUATION,  
WALES**

**The Non-Domestic Rating  
(Unoccupied Property) (Wales)  
(Amendment) Regulations 2011**

**EXPLANATORY NOTE**

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

Under section 45 of the Local Government Finance Act 1988 (“the 1988 Act”) non-domestic rates are payable on an unoccupied hereditament if it fulfils the conditions set out in section 45(1). Those conditions include a condition that the hereditament falls within a prescribed class.

The Non-Domestic Rating (Unoccupied Property) (Wales) Regulations 2008 prescribe a class of unoccupied hereditaments on which rates are payable. The class consists of all unoccupied hereditaments to which none of the conditions in regulation 4 applies.

Regulation 4 excludes from liability for non-domestic rates under section 45 of the 1988 Act all hereditaments shown in a non-domestic rating list with a rateable value less than a specified amount. These Regulations set that figure at £2,600 for the purpose of a hereditament shown in the list from 1 April 2011.

A regulatory impact assessment has been prepared in connection with these Regulations. A copy can be obtained at <http://www.assemblywales.org/bus-home/buslegislation/bus-legislation-sub>.

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**The Non-Domestic Rating  
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(Amendment) Regulations 2011**

*Made* 24 January 2011

*Laid before the National Assembly for Wales*

2 February 2011

*Coming into force* 28 February 2011

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 45(1)(d), (9) and 146(6) of the Local Government Finance Act 1988<sup>(1)</sup> and now vested in them<sup>(2)</sup>.

**Title, commencement, and application**

1.—(1) The title of these Regulations is The Non-Domestic Rating (Unoccupied Property) (Wales) (Amendment) Regulations 2011 and they come into force on 28 February 2011.

(2) These Regulations apply in relation to Wales to financial years beginning on and after 1 April 2011.

**Property liable for unoccupied property rates**

2. In regulation 4(g) of the Non-Domestic Rating (Unoccupied Property) (Wales) Regulations 2008<sup>(3)</sup> for “£2,200” substitute “£2,600”.

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(1) 1988 c.41.

(2) The functions of the Secretary of State contained in the Local Government Finance Act 1988 were transferred, so far as exercisable in relation to Wales, to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672, article 2, Schedule 1). By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32) those functions are vested in the Welsh Ministers.

(3) S.I. 2008/2499 (W.217).

*Carl Sargeant*

Minister for Social Justice and Local Government, one  
of the Welsh Ministers

24 January 2011