

Small Business Rate Relief (Automatic Payment) Bill

CONTENTS

- 1 Automatic application of mandatory relief for small businesses
- 2 Eligibility for mandatory relief for small businesses
- 3 Interpretation
- 4 Citation

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TO

Require small business rate relief payments to be made automatically; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Automatic application of mandatory relief for small businesses

- (1) The Secretary of State must, within six months of the date on which this Act is passed, make regulations providing for the payment by the billing authority of mandatory relief for small businesses to a person (the ratepayer) under section 43(4B)(a) of the Local Government Finance Act 1988 (c. 41) (“the 1988 Act”) to be made automatically and without any requirement for small businesses to apply for such relief. 5
- (2) Regulations made under this section—
- (a) shall be made by statutory instrument;
 - (b) may not be made unless a draft has been laid before, and approved by, a resolution of each House of Parliament; 10
 - (c) may contain such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks fit, including provision amending, repealing or revoking any enactments.

2 Eligibility for mandatory relief for small businesses 15

- (1) For the purposes of section 1, the ratepayer shall be eligible for mandatory relief for small businesses where the rateable value of a hereditament, as shown in the local non-domestic rating list, fulfils the conditions for the mandatory relief for small businesses as prescribed in section 43(4B)(a)(i) of the 1988 Act. 20
- (2) The information relating to the rateable value of the hereditament maintained on the local non-domestic rating list shall be sufficient evidence for the purpose of deciding whether a ratepayer shall be eligible to the automatic application of mandatory relief for small businesses.

- (3) Where it is determined that the ratepayer is not eligible to the whole or any part of the application of mandatory relief for small businesses, the billing authority by whom the automatic application of mandatory relief is made may require the application or, as the case may be, part of the mandatory relief to be repaid.
- (4) Where it is determined that the ratepayer is not eligible to the whole or any part of the application of mandatory relief for small businesses, the billing authority by whom the automatic application of mandatory relief is made may require the application or, as the case may be, the part of the mandatory relief to be repaid. 5
- (5) The Secretary of State may by regulation make provision for the recovery of sums that have been applied to a person by way of mandatory relief who is not eligible for such application of mandatory relief in such circumstances as may be prescribed. 10
- (6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament. 15

3 Interpretation

In this Act—

“mandatory relief for small businesses” has the meaning given by section 43(4B)(a) of the 1988 Act; 20

“billing authority” has the meaning given by section 144 of 1988 Act;

“hereditament” has the meaning given by section 64 of the 1988 Act.

4 Citation

- (1) This Act may be cited as the Small Business Rate Relief (Automatic Payment) Act 2009. 25
- (2) This Act extends to England only.

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*Presented by Peter Luff
supported by*

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