STATUTORY INSTRUMENTS

1977 No. 1515

RATING AND VALUATION

The Rating Surcharge (Exemption of Unused Commercial Buildings) Regulations 1977

Made - - - -	*8th September* 1977
Laid before Parliament	*12th September* 1977
Coming into Operation	*1st October* 1977

The Secretary of State for the Environment, in exercise of the powers conferred by paragraph 3 of Schedule 1 to the General Rate Act 1967(**a**) as extended by section 17B(6) of the General Rate Act 1967 (the second mentioned of those provisions having been inserted by section 16 of the Local Government Act 1974(**b**)) and now vested in him(**c**), and of all other powers enabling him in that behalf, hereby makes the following regulations:

1.—(1) These regulations may be cited as the Rating Surcharge (Exemption of Unused Commercial Buildings) Regulations 1977 and shall come into operation on 1st October 1977.

(2) The Interpretation Act 1889(**d**) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2.—(1) No surcharge shall be payable under section 17A of the General Rate Act 1967 in respect of a commercial building for any period of non-use after 30th September 1977 during which—

(*a*) the owner has tried his best to sell his interest in the building, or

(*b*) the rateable value of the building does not exceed £2,000, or

(*c*) any person in good faith intends to carry out relevant works and is trying his best to procure the carrying out of those works, or

(*d*) relevant works are being carried out with reasonable despatch,

and, in the case of paragraph (*c*) or (*d*) above, in consequence thereof the building or such part as is not used cannot reasonably be used for the purpose for which it was constructed or has been adapted.

(2) In this regulation "relevant works" means works to adapt the building or part thereof for use for some purpose other than that for which it was constructed or has been adapted.

(**a**) 1967 c. 9. (**b**) 1974 c. 7. (**c**) S.I. 1970/1681 (1970 III, p. 5551).
(**d**) 1889 c. 63.

3. In determining whether an owner has tried his best to sell his interest in the building, regard shall be had to all the relevant circumstances including, but without prejudice to the generality of the foregoing—

(*a*) the price at which the interest has been offered for sale compared with the value of a comparable interest in similar properties in the area,

(*b*) the covenants and conditions subject to which the interest has been offered for sale,

(*c*) the number and resources of the firms of estate agents retained for the purpose of selling the interest, and

(*d*) the nature and extent of advertising of the interest by the owner or those agents.

4. The rateable value of a building for the purpose of these regulations shall be ascertained as follows:—

(*a*) if the building is a hereditament for which a rateable value is shown in the valuation list, it shall be that rateable value;

(*b*) if the building forms part only of such a hereditament or consists of or forms part of more than one such hereditament, its rateable value shall be taken to be such value as is found by a proper apportionment or aggregation of the rateable value or values so shown;

(*c*) the rateable value shown in the valuation list shall be taken to be the value so shown at the time by reference to which the value falls to be ascertained.

Signed by authority of
the Secretary of State
8th September 1977.

Kenneth Marks,
Parliamentary Under Secretary of State
Department of the Environment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 17A of, and Schedule 1 to, the General Rate Act 1967 provide for the levying of a surcharge additional to the rates (if any) payable in respect of commercial buildings during certain periods of non-use.

These Regulations exempt commercial buildings from liability for the surcharge during any period in which the owner has tried his best to sell his interest in the building or the rateable value of the building does not exceed £2,000 or any person is trying his best to procure the carrying out of works, or during which works are being carried out, being in either case works to adapt the building for use for a purpose other than that for which it was constructed or has been adapted.

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