

**2010 No. 682 (W. 65)**

**RATING AND VALUATION,  
WALES**

**The Non-Domestic Rating  
(Definition of Domestic Property)  
(Wales) Order 2010**

**EXPLANATORY NOTE**

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

This Order amends, with effect from 1 April 2010, section 66 of the Local Government Finance Act 1988 (“the 1988 Act”), which defines domestic property for the purposes of Part III (non-domestic rating) of that Act.

Article 2 amends section 66 of the 1988 Act. That section specifies the meaning of “domestic property” for the purposes of Part 3 (non-domestic rating) of that Act.

Paragraph (4) of article 2 inserts subsection (2BB) into section 66, which provides that a building or self contained part of a building is not domestic property for the purposes of Part 3 if—

- (a) for a period of at least 12 calendar months following assessment, it will be available for letting commercially, as self-catering accommodation, for periods totalling 140 days or more; and
- (b) in the 12 calendar months prior to assessment—
  - (i) it has been available for letting commercially, as self-catering accommodation, for periods totalling 140 days or more; and
  - (ii) it has been so let for periods which amount in total to 70 days or more.

This paragraph also inserts a new subsection (2BA) to provide that subsection (2BB) applies only in relation to Wales.

Article 2(3) makes consequential provision inserting a new subsection (2AA) which provides that subsection (2B) is to apply only in relation to England.

A regulatory impact assessment has been prepared for this Order. A copy can be obtained at <http://www.assemblywales.org/bus-home/buslegislation/bus-legislation-sub>.

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*Made* 5 March 2010

*Laid before the National Assembly for Wales*

10 March 2010

*Coming into force*

1 April 2010

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 66(9) and 143(1) and (2) of the Local Government Finance Act 1988<sup>(1)</sup> and now vested in them<sup>(2)</sup>, make the following Order:

**Title and commencement**

1. The title of this Order is the Non-Domestic Rating (Definition of Domestic Property) (Wales) Order 2010, and it comes into force on 1 April 2010.

**Definition of domestic property**

2.—(1) Section 66 of the Local Government Finance Act 1988 is amended as follows.

(2) In subsection (1), after “(2B)” insert “, (2BB)”.

(3) After subsection (2A) insert—

“(2AA) Subsection (2B) applies only in so far as this Part applies in relation to England.”

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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, so far as they are exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Functions of the National Assembly for Wales transferred to the Welsh Ministers under section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

(4) After subsection (2B) insert—

“(2BA) Subsection (2BB) applies only in so far as this Part applies in relation to Wales.

(2BB) A building or self-contained part of a building is not domestic property if each of the following paragraphs apply in relation to it—

- (a) the relevant person intends that, in the year beginning with the end of the day in relation to which the question is being considered, the whole of the building or self-contained part will be available for letting commercially, as self-catering accommodation, for short periods totalling 140 days or more;
- (b) on that day the relevant person’s interest in the building or part is such as to enable the person to let it for such periods;
- (c) the whole of the building or self-contained part of the building was available for letting commercially, as self-catering accommodation, for short periods totalling 140 days or more in the year prior to the year beginning with end of the day in relation to which the question referred to in paragraph (a) is being considered;
- (d) the short periods for which it was so let amounted in total to at least 70 days.”.

(5) In subsection (2C), after “(2B)” insert “and subsection (2BB)”.

(6) In subsection (2D), for “above does” substitute “and subsection (2BB) above do”.

*Carl Sargeant*

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

5 March 2010