

**2022 No. (W.)**

**RATING AND VALUATION,  
WALES**

**The Non-Domestic Rating  
(Property in Common Occupation)  
(Wales) Regulations 2022**

**EXPLANATORY NOTE**

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

These Regulations, which apply only to Wales, specify the circumstances in which two or more hereditaments, whether occupied or unoccupied, must be treated as one hereditament for the purposes of determining an owner's or occupier's non-domestic rating liability.

The Regulations also set out the circumstances in which two or more hereditaments are to be considered as contiguous with each other.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Local Government Finance Reform, Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).

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<i>Made</i>	***
<i>Laid before Senedd Cymru</i>	***
<i>Coming into force</i>	***

The Welsh Ministers make the following Regulations in exercise of the power conferred on the Secretary of State by section 64(3) of the Local Government Finance Act 1988(1), and now vested in them(2).

**Title, commencement and interpretation**

1.—(1) The title of these Regulations is the Non-Domestic Rating (Property in Common Occupation) (Wales) Regulations 2022.

(2) These Regulations come into force on 1 April 2023.

(3) In these Regulations—

“hereditament” has the meaning given in section 64 of the Local Government Finance Act 1988.

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(1) 1988 c. 41.  
(2) The function of the Secretary of State, in so far as it was exercisable in relation to Wales, was transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and was 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).

### **Valuation of occupied hereditaments**

2. Where two or more hereditaments, whether or not in the same building are occupied by the same person, and—

- (a) the hereditaments meet the contiguity condition in regulation 4, and
- (b) none of the hereditaments is used for a purpose which is wholly different from the purpose for which any of the other hereditaments is used,

the hereditaments must be treated as one hereditament.

### **Valuation of unoccupied hereditaments**

3. Where two or more unoccupied hereditaments, whether or not in the same building—

- (a) are owned by the same person,
- (b) meet the contiguity condition in regulation 4,
- (c) ceased to be occupied on the same day and have each remained unoccupied since that day, and
- (d) immediately before that day, the hereditaments were, or formed part of a single hereditament under regulation 2,

the hereditaments must be treated as one hereditament.

### **Contiguity condition**

4. The hereditaments meet the contiguity condition if—

- (a) at least two of the hereditaments are contiguous, and
- (b) where not all of the hereditaments are contiguous with each other—
  - (i) one or more of the other hereditaments is contiguous with one or more of the hereditaments falling within paragraph (a), and
  - (ii) each of the remaining hereditaments (if any) is contiguous with at least one hereditament that falls within sub-paragraph (i) or this sub-paragraph.

5. In regulation 4 two hereditaments are contiguous if—

- (a) some or all of a wall, fence, or other means of enclosure of one hereditament forms all or part of a wall, fence, or other means of enclosure of the other hereditament, or

(b) the hereditaments are on consecutive storeys of a building and some or all of the floor of one hereditament lies directly above all or part of the ceiling of the other hereditament,

and hereditaments occupied or owned by the same person are not prevented from being contiguous under paragraph (a) or (b) merely because there is a space between them that is not occupied or owned by that person.

*Name*

Title of Minister, one of the Welsh Ministers

Date