
STATUTORY INSTRUMENTS

1989 No. 2474

RATING AND VALUATION

The Electricity Generators (Rateable Values) Order 1989

Approved by both Houses of Parliament

Made - - - - 22nd December
1989
Coming into force - - 23rd December 1989

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by sections 143(1) and 146(6) of and paragraph 3(1) of Schedule 6 to the Local Government Finance Act 1988(1), and of all other powers enabling them in that behalf, hereby make the following Order in the terms of a draft laid before, and approved by resolution of, each House of Parliament:—

Citation and commencement

1. This Order may be cited as the Electricity Generators (Rateable Values) Order 1989 and shall come into force on the day after the day on which it is made.

Interpretation

2. In this Order—

“declared net capacity”, in relation to generating plant, means the highest generation of electricity (at the main alternator terminals) which can be maintained indefinitely without causing damage to the plant, less so much of that capacity as is consumed by the plant; and
“generating plant”, in relation to a hereditament, means plant in or on the hereditament which is used or available for use for the purposes of generating electricity.

Application

3.—(1) This Order applies to any non-domestic hereditament in relation to which the conditions in paragraph (2) are fulfilled, other than a hereditament which falls, by virtue of regulations made under section 53 of the Local Government Finance Act 1988, to be shown on a central rating list.

(2) The conditions mentioned in paragraph (1) are that—

(a) the hereditament is used or available for use wholly or mainly for the purposes of generating electricity; and

(1) 1988 c. 41. Paragraph 3(1) of Schedule 6 is amended by paragraph 38(12) and (14) of Schedule 5 to the Local Government and Housing Act 1989 (c. 42)

- (b) the generating plant—
 - (i) has a declared net capacity of 500 kilowatts or more, or
 - (ii) uses wind or water power as its primary source of energy.

Rateable values

4.—(1) In the case of a hereditament to which this Order applies, paragraphs 2 to 2B of Schedule 6 to the Local Government Finance Act 1988(2) shall not apply, and its rateable value shall be an amount equal to the sum of either—

- (a) £6,405 per megawatt of the declared net capacity of the generating plant (where the primary source of energy used by the plant is wind power), or
- (b) £12,810 per megawatt of its declared net capacity (in any other case),

expressed in each case to the nearest hundredth part of a megawatt.

(2) Where (apart from this paragraph) any rateable value determined under paragraph (1) would include a fraction of a pound—

- (a) the fraction shall be made up to one pound if it would exceed 50p, and
- (b) the fraction shall be ignored if it would be 50p or less.

21st December 1989

Chris Patten
Secretary of State for the Environment

22nd December 1989

Peter Walker
Secretary of State for Wales

(2) Paragraph 2 is amended and paragraphs 2A and 2B inserted by paragraph 38(3) to (11) of Schedule 5 to the Local Government and Housing Act 1989.

EXPLANATORY NOTE

(This note is not part of the Order)

By virtue of section 3(1) of Schedule 6 to the Local Government Finance Act 1988, where the Secretary of State so provides by order, hereditaments of a description to be prescribed in the order are not to be valued for non-domestic rating on and after 1st April 1990 on the basis set out in paragraphs 2 to 2B of that Schedule (that is to say, by reference to the rent a hypothetical tenant would pay for the hereditament on an annual basis), but on the basis of prescribed rules.

Article 3 of this Order prescribes hereditaments (other than those which fall to be included on a central rating list by virtue of regulations made under section 53 of the 1988 Act) which are used or available for use wholly or mainly for the purposes of generating electricity by means of plant which has either a generating capacity of 500 kilowatts or more, or uses wind or water power as its primary source of energy.

Article 4 contains rules for ascertaining the rateable value of such hereditaments, by reference to £6,405 per megawatt of declared net capacity of the generating plant in or on the hereditament (where the plant primarily uses wind power) and £12,810 per megawatt of such generating plant in other cases.