
STATUTORY INSTRUMENTS

1994 No. 834

RATING AND VALUATION

**The Non-Domestic Rating (Railways) and Central
Rating Lists (Amendment) Regulations 1994**

<i>Made</i>	- - - -	<i>21st March 1994</i>
<i>Laid before Parliament</i>		<i>21st March 1994</i>
<i>Coming into force</i>	- -	<i>1st April 1994</i>

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 53(1) and (4), 64(3), 65(4), 140(4) and 143(1) of the Local Government Finance Act 1988(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Non-Domestic Rating (Railways) and Central Rating Lists (Amendment) Regulations 1994 and shall come into force on 1st April 1994.

(2) In these Regulations, the “1989 Regulations” means the Central Rating Lists Regulations 1989(2).

Railway hereditaments

2.—(1) In this regulation—

“1993 Act” means the Railways Act 1993(3);

“the Board” means the British Railways Board or any of its subsidiaries;

“excepted hereditament” means a hereditament consisting of or comprising—

- (i) premises used as a shop, hotel, museum or place of public refreshment;
- (ii) premises used wholly or mainly as office premises occupied by a person designated by regulation 2 of, and named in Part 4 of the Schedule to, the 1989 Regulations, which

(1) 1988 c. 41; section 53(1) was amended and section 53(4) was substituted by section 139 and paragraph 29 of Schedule 5 to the Local Government and Housing Act 1989 (c. 42). See section 146(6) of the Local Government Finance Act 1988 for the definition of “prescribed”.

(2) S.I. 1989/2263, to which there are amendments not relevant to these Regulations.

(3) 1993 c. 43.

are not situated on operational land of that person or of another person so designated and named;

- (iii) premises or rights so let out as to be capable of separate assessment (other than those falling within paragraph (2)(a)(ii) or (3)(a)(ii); and
- (iv) premises (other than premises used in connection with the collection and delivery of parcels, goods or merchandise conveyed or to be conveyed by rail) used wholly or in part for purposes concerned with the carriage of goods or passengers by road transport or sea transport or with harbours, or for purposes incidental to such purposes;

“heavy maintenance services” means the carrying out on locomotives and other rolling stock of maintenance services (including the detection and rectification of faults) other than light maintenance services (within the meaning given by section 82 of the 1993 Act);

“licence exempt operator” has the meaning given by section 10(6) of the 1993 Act;

“licence holder” has the meaning given by section 83(1) of the 1993 Act;

“the Railtrack group” means Railtrack PLC or any of its subsidiaries;

“railway services” has the meaning given by section 82(1) of the 1993 Act;

“subsidiary” has the meaning given by section 736 of the Companies Act 1985(4) and “subsidiaries” shall be construed accordingly;

any reference to a hereditament is to a non-domestic hereditament; and

any reference to a company or other body by name is a reference to the company or other body registered by or bearing that name at the date of coming into force of these Regulations.

(2) Anything situated in England which would (apart from these Regulations) be more than one hereditament shall be treated as one hereditament and anything situated in Wales which would (apart from these Regulations) be more than one hereditament shall be treated as one hereditament if—

- (a) it is—
 - (i) occupied by or, if unoccupied, owned by the Board; or
 - (ii) let or licensed by the Board to a licence exempt operator or a licence holder (other than the Railtrack group),

wholly or mainly for the purposes of providing railway services or heavy maintenance services, or for purposes ancillary to those purposes (including the purpose of exhibiting advertisements); and

- (b) it is not comprised in an excepted hereditament.

(3) Anything situated in England which would (apart from these Regulations) be more than one hereditament shall be treated as one hereditament and anything situated in Wales which would (apart from these Regulations) be more than one hereditament shall be treated as one hereditament if—

- (a) it is—
 - (i) occupied by or, if unoccupied, owned by the Railtrack group; or
 - (ii) let or licensed by the Railtrack group to a licence exempt operator or a licence holder (other than the Board),

wholly or mainly for the purposes of providing railway services or for purposes ancillary to those purposes (including the purpose of exhibiting advertisements); and

- (b) it is not comprised in an excepted hereditament.

(4) 1985 c. 6; section 736 was amended by section 144(1) of the Companies Act 1989.

(4) The hereditaments described in paragraph (2) shall be treated as occupied by the British Railways Board and the hereditaments described in paragraph (3) shall be treated as occupied by Railtrack PLC.

Amendments to the 1989 Regulations: railways

3. Part 4 of the Schedule to the 1989 Regulations shall be amended—
- (a) by the deletion of the entry headed “**I. PROVISION IN THE CENTRAL RATING LISTS FOR BOTH ENGLAND AND WALES**”;
 - (b) by the insertion, under the heading “**II. PROVISION IN THE CENTRAL RATING LIST FOR ENGLAND**”, of the following—

“The British Railways Board	The hereditament situated in England described in regulation 2(2) of the Non-Domestic Rating (Railways) and Central Rating Lists (Amendment) Regulations 1994
Railtrack PLC	The hereditament situated in England described in regulation 2(3) of the Non-Domestic Rating (Railways) and Central Rating Lists (Amendment) Regulations 1994”; and

- (c) by the insertion, after the entry relating to The Tyne and Wear Passenger Transport Executive, of the following—

“III. PROVISION IN THE CENTRAL RATING LIST FOR WALES

The British Railways Board	The hereditament situated in Wales described in regulation 2(2) of the Non-Domestic Rating (Railways) and Central Rating Lists (Amendment) Regulations 1994
Railtrack PLC	The hereditament situated in Wales described in regulation 2(3) of the Non-Domestic Rating (Railways) and Central Rating Lists (Amendment) Regulations 1994”.

Amendments to the 1989 Regulations: water undertakers

4. With effect from 1st September 1993—
- (a) the designated person in respect of the description of hereditaments prescribed by regulation 2 of the 1989 Regulations in relation to East Worcestershire Water Company shall be Severn Trent Water Limited; and
 - (b) Part 6 (Water Supply Hereditaments) of the Schedule to the 1989 Regulations shall be amended in the column headed “Designated person” under the heading “**II. PROVISION IN THE CENTRAL RATING LIST FOR ENGLAND**” by the deletion of “East Worcestershire Water Company”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for the Environment

21st March 1994

David Curry
Minister of State,
Department of the Environment

20th March 1994

John Redwood
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Central Rating Lists Regulations 1989 designate certain persons, prescribe in relation to them certain descriptions of non-domestic hereditaments and require the names of those persons and the hereditaments falling within those descriptions to be shown in a central rating list.

Regulation 2 of these Regulations provides in relation to England and Wales that certain property occupied or, if unoccupied, owned by the British Railways Board or Railtrack PLC which would, apart from these Regulations, be more than one hereditament shall be treated, together with other specified property, as one hereditament. Each hereditament described in regulation 2 shall be treated as occupied by the British Railways Board or Railtrack PLC, as the case may be.

The amendments made by regulation 3 relate to the designation of persons in relation to railway hereditaments. The designation is amended in consequence of the transfer to Railtrack PLC by the British Railways Board of certain property in pursuance of powers contained in the Railways Act 1993.

The amendment made by regulation 4 relates to the designation of persons in relation to water supply hereditaments. The designation is amended in consequence of the fact that East Worcestershire Water Company has ceased to be a water undertaker for the purposes of the Water Industry Act 1991 (c. 56). By virtue of section 53(4) of the Local Government Finance Act 1988, the amendment has effect retrospectively from 1st September 1993, the date when East Worcestershire Water Company ceased to be a water undertaker.