

**EXPLANATORY MEMORANDUM TO**  
**THE CENTRAL RATING LIST (ENGLAND) (AMENDMENT) REGULATIONS 2010**  
**2010 No. 456**

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 The Central Rating List (England) (Amendment) Regulations 2010 (“the Amending Regulations”) amend the Central Rating List (England) Regulations 2005 (“the 2005 Regulations”), which describe the hereditaments<sup>1</sup> to be listed on the central rating list and in respect of which rates are paid to the Secretary of State for Communities and Local Government. They also designate the persons who are treated as occupying (or if unoccupied, owning) centrally listed hereditaments (“designated persons”). The Amending Regulations make amendments to the persons designated in relation to long distance pipe-line hereditaments to reflect changes in the businesses operating in those sectors and changes in occupation of certain centrally listed hereditaments.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Context**

4.1 Most non-domestic hereditaments in England appear on the local rating list for the local authority area in which they are situated and rates are paid to that local authority. However, some hereditaments appear on a central rating list and rates are paid to the Secretary of State for Communities and Local Government. These hereditaments include canals, railways and telephone lines.

4.2 The 2005 Regulations stipulate those hereditaments which must appear on the central list rather than any local list and designate the person who is in occupation of them for the purposes of rating. Section 53(4) of the Local Government Finance Act 1988 (“the Act”) provides that amending regulations altering the designated person in relation to a description of hereditament may have effect from a date earlier than that on which the amending regulations are made.

4.3 Regulation 2 of the Amending Regulations makes amendments concerned with designated persons in Part 12 (long distance pipe-line hereditaments) of the Schedule to the 2005 Regulations to reflect changes in the businesses operating in that sector and changes in occupation of certain centrally listed hereditaments. Pursuant to the power in section 53(4) of the Act, the amendments have effect from the dates on

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<sup>1</sup> A hereditament is the unit of property which is the subject of rating.

which the changes actually took place (i.e. the dates stipulated in the amendments), which are earlier than the date on which the Amending Regulations were made.

## **5. Territorial Extent and Application**

5.1 This instrument applies to England.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- *Long Distance Pipe-line Hereditaments*

7.1 The Amending Regulations add to the list of designated persons in respect of centrally listed long distance pipe-line hereditaments, which appears in Part 12 of the Schedule to the 2005 Regulations, to reflect changes in that business sector. As a result, long distance pipe-line hereditaments occupied or, if unoccupied, owned by Ineos Manufacturing (Hull) Limited, and Ineos Enterprises Limited can be shown on the central rating list for England. This is consistent with the position for similar businesses operating long distance pipe-line hereditaments.

7.2 The Amending Regulations provide that these new entries on the central rating list will take effect from dates earlier than the date the Amending Regulations come into force. This reflects the fact that the companies concerned have occupied the relevant central list hereditaments since the dates stipulated

- *Consolidation*

7.3 The 2005 Regulations have been amended on three previous occasions but in the most part remain unchanged. The Department does not, therefore, intend to consolidate the 2005 Regulations.

## **8. Consultation outcome**

8.1 There was no general consultation as the changes to the regulations relate purely to changes in businesses occupying central list hereditaments. Consultation did take place with those businesses affected by the amending regulations to clarify the date on which occupation changed.

## **9. Guidance**

9.1 No guidance is required as the addition of these businesses to the list of designated persons does not alter the rating system.

## **10. Impact**

10.1 There is no impact on business except to the extent that the amendments ensure that where there have been changes in occupation of certain long distance pipe-line hereditaments, the companies which occupy those hereditaments can be listed in the central rating list.

10.2 There is no impact on charities or voluntary bodies.

10.3 There is no impact on the public sector.

10.4 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 There are no plans to monitor or review the names of designated businesses for the central list, apart from when a change in trading name or occupier requires a further alteration.

## **13. Contact**

Edward Stanislas at the Department for Communities and Local Government Tel: 0303 4441759 or email: [Edward.stanislas@communities.gsi.gov.uk](mailto:Edward.stanislas@communities.gsi.gov.uk) can answer any queries regarding the instrument.