

EXPLANATORY MEMORANDUM TO
THE CENTRAL RATING LIST (ENGLAND) (AMENDMENT) REGULATIONS 2012
2012 No. 1292

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 2012 (“the Amending Regulations”) amend the Central Rating List (England) Regulations 2005 (“the Central Rating List Regulations”), which describe the hereditaments¹ to be listed on the central rating list and designate the persons who are treated as occupying (or if unoccupied, owning) centrally listed hereditaments (“designated persons”). The Amending Regulations make amendments in respect of the persons designated in relation to certain types of long distance pipe-line hereditaments.

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

3.1 Pursuant to the power in section 53(4) of the Local Government Finance Act 1988 (“the Act”), the amendment made by regulation 2(2)(b) has effect from a date earlier than the date on which the Amending Regulations were made. See paragraph 4.3 below for further explanation of this amendment.

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 communication networks. The Central Rating List Regulations, which are made under section 53 of the Act, 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.

4.2 Regulation 2(1) of the Amending Regulations makes amendments concerned with designated persons in Part 12 (long distance pipe-line hereditaments) of the Schedule to the Central Rating List Regulations to reflect changes in occupation of certain centrally listed hereditaments. Pursuant to the power in section 53(4) of the Act, the amendment has effect from the date on which ownership of the pipeline changed – 15 December 2011 - which is earlier than the date on which the Amending Regulations were made. Section 53(4) provides that amending regulations altering the

¹ A hereditament is the unit of property which is the subject of rating. The statutory definition can be found in section 64 of the Local Government Finance Act 1988.

designated person in relation to whom a description of hereditament is prescribed may have effect from a date earlier than the making of the regulations.

5. Territorial Extent and Application

This instrument applies in 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 Central Rating List Regulations, to reflect changes in that business sector. As a result, long distance pipe-line hereditaments occupied or, if unoccupied, owned by Perenco UK Limited (with effect from 15 December 2011) are shown on the central rating list for England. This is consistent with the position for similar businesses operating long distance pipe-line hereditaments. BP Exploration Operating Company Limited is removed from the list as the ownership of its long-distance pipe-line hereditament has transferred to Perenco UK Limited.

- *Consolidation*

7.2 Whilst the Central Rating List Regulations have been amended on a number of previous occasions in the most part they 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 relate only to a very small number of ratepayers. Consultation did take place with those businesses affected by the amending regulations.

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 the hereditament concerned should more properly appear in the central rating list it does, and that where there has been a change in occupation of a long distance pipe-line hereditament, the company which occupies that hereditament is designated 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

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