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WELSH STATUTORY INSTRUMENTS

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**2003 No. 944 (W.125)**

**RATING AND VALUATION, WALES**

**The Non-Domestic Rating (Utilities) (Rateable Value) (Amendment) (Wales) Order 2003**

*Made* - - - - 27th March 2003

*Coming into force* - - 1st April 2003

The National Assembly for Wales makes the following Order in exercise of the powers given to the Secretary of State by sections 140(4) and 143(1) and (2) of, and paragraph 3(2) of Schedule 6 to, the Local Government Finance Act 1988(1), which are now vested in the National Assembly for Wales so far as exercisable in Wales(2):

**Name, commencement and interpretation**

1.—(1) This Order may be cited as the Non-Domestic Rating (Utilities) (Rateable Value) (Amendment) (Wales) Order 2003 and will come into force on 1 April 2003.

(2) In this Order —

“the BG Order” (“*Gorchymyn BG*”) means the BG plc (Rateable Value) (Wales) Order 2000(3);

“the Railtrack Order” (“*Gorchymyn Railtrack*”) means the Railtrack plc (Rateable Value) (Wales) Order 2000(4);

“the Water Undertakers Order” (“*Gorchymyn yr Ymgwymerwyr Dŵr*”) means the Water Undertakers (Rateable Values) (Wales) Order 2000(5).

**Amendment of the Water Undertakers (Rateable Values) (Wales) Order 2000**

2. In the Water Undertakers Order —

(a) in article 2(1) after the definition of “Central List Regulations” insert ““the central rating list” (“*y rhestr ardrethu ganolog*”) means the central non-domestic rating list for Wales compiled on 1st April 2000;”;

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(1) 1988 c. 41. Section 143(2) as amended by section 139 of and paragraphs 72 and 79(3) of Schedule 5 to the Local Government and Housing Act 1989 (c. 42). Paragraph 3(2) of Schedule 6 to the 1988 Act as amended by section 139 of and paragraphs 72 and 79(3) of Schedule 5 to the Local Government and Housing Act 1989 and the Local Government and Rating Act 1997 (c. 29).

(2) See article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(3) S.I. 2000/352 (W.10).

(4) S.I. 2000/555 (W.22).

(5) S.I. 2000/299 (W.6).

- (b) in article 5 after the date “1st April 2000” where it first appears insert the words “for which the central rating list is in force”;
- (c) in article 7(1) after the word “year” where it first appears insert the words “for which the central rating list is in force”; and
- (d) in article 7(2) after the word “year” where it first appears insert the words “for which the central rating list is in force”.

**Amendment of the BG plc (Rateable Value) (Wales) Order 2000**

3. In the BG Order in article 3 for the words “beginning on or after 1st April 2000” insert the words “for which the central non-domestic rating list for Wales compiled on 1st April 2000 is in force”.

**Amendment of the Railtrack plc (Rateable Value) (Wales) Order 2000**

4. In the Railtrack Order —
- (a) in article 2 in the definition of “central list” omit the words “or after”; and
  - (b) in article 5(1) after the word “year” insert the words “for which the central list is in force”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(6)

27th March 2003

*Jane Hutt*  
Minister for Health and Social Services

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Under paragraph 3(2) of Schedule 6 to the Local Government Finance Act 1988 (“the 1988 Act”), the National Assembly for Wales, in exercise of the powers given to the Secretary of State and now exercisable by the National Assembly for Wales in relation to Wales, may by Order provide in the case of non-domestic hereditaments to be shown in the central rating list for Wales that the normal rules of valuation for rating, contained in paragraphs 2 to 2C of that Schedule, shall not apply and instead that their rateable value shall be such as is specified in the Order or determined in accordance with the prescribed rules.

Under paragraph 3(2) of Schedule 6 to the 1988 Act, the National Assembly for Wales made the Water Undertakers (Rateable Values) (Wales) Order 2000, the BG plc (Rateable Value) (Wales) Order 2000 and the Railtrack Plc (Rateable Value) (Wales) Order 2000. These three Orders disapplied the normal rules of valuation for the rating of property in Wales owned by the relevant undertakings and substituted alternative methods for calculation of the respective rateable values.

Under sections 41(2) and 52(2) of the 1988 Act a local and central non-domestic rating list respectively was compiled on 1st April 1990 and must be compiled on 1st April in every fifth year after that date. The date on which the rateable value is to be determined is set by paragraph 2(3) (b) of Schedule 6 to the 1988 Act and under this provision the National Assembly for Wales has provided, by virtue of the Rating Lists (Valuation Date)(Wales) Order 2002 (“the 2002 Order”), that the valuation date for the purposes of the 2005 rating lists, will be 1st April 2003.

This Order amends the Water Undertakers (Rateable Values) (Wales) Order 2000, the BG plc (Rateable Value) (Wales) Order 2000 and the Railtrack Plc (Rateable Value) (Wales) Order 2000 to limit the application of the same to the non-domestic rating lists for Wales compiled on 1 April 2000, in order that the necessary revaluations in accordance with the 2002 Order may be undertaken.