



NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2005 No. 422 (W.40)

RATING AND VALUATION, WALES

The Central Rating List (Wales) Regulations 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

With a view to securing the central rating en bloc of certain hereditaments, regulations may be made under section 53(1) of the Local Government Finance Act 1988 which designate a person and prescribe in relation to that person one or more descriptions of non-domestic hereditament.

In relation to the central rating list for Wales which is to be compiled on 1 April 2005, regulation 4 of these Regulations designates the persons named in the Schedule and prescribes the descriptions of hereditament shown in the Schedule against the names of those persons. There are thereby designated: railway hereditaments, communications hereditaments, national and regional gas hereditaments, local gas hereditaments, gas meter hereditaments, electricity transmission hereditaments, electricity distribution hereditaments, electricity meter hereditaments, water supply hereditaments, canal hereditaments and long-distance pipe-line hereditaments.

Regulation 5 requires the names of the designated persons and the hereditaments situated in Wales which are within the prescribed descriptions and are occupied (or, if unoccupied, owned) by those persons to be shown in any central non-domestic rating list for Wales compiled on or after 1 April 2005.

Regulation 6 requires the list to show certain information about the designated persons and the date from which a rateable value shown in the list has effect.

Regulations 7 to 16 provide for hereditaments of the relevant person designated under regulation 4 (except those of long-distance pipe-lines operators) to be treated as single hereditaments.

Regulation 17 revokes, in relation to Wales-

- (a) the Non-Domestic Rating (Electricity Generators) Regulations 1991;
- (b) the Non-Domestic Rating (Railways, Telecommunications and Canals) Regulations 1994;
- (c) the Central Rating Lists (Wales) Regulations 1999;
- (d) the Central Rating Lists (Wales)(Amendment) Regulations 2001; and
- (e) The Central Rating List (Wales) (Amendment) Regulations 2003,

with effect from 1 April 2005 subject to certain savings.

2005 No. 422 (W.40)

RATING AND VALUATION, WALES

The Central Rating List (Wales) Regulations 2005

Made

1 March 2005

Coming into force

in accordance with regulation 1

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred on the Secretary of State by sections 53(1), (2), (4), (4A) and (5), 64(3), 65(4) and 143(1) and (2) of the Local Government Finance Act 1988(1), and now exercisable by the National Assembly in relation to Wales, hereby make the following Regulations:

Name, commencement and application

- 1.-(1) These Regulations are called the Central Rating (Wales) Regulations 2005 and come into force on -
- (a) for all purposes other than those of regulation 17, on 31 March 2005, and
 - (b) for the purposes of regulation 17, on 1 April 2005.
- (2) These Regulations apply only in relation to Wales.

Interpretation

- 2.-(1) In these Regulations, except in regulation 17 -

"the Act" means the Local Government Finance Act 1988;

"designated person" in relation to a central list compiled on or after 1 April 2005 means a person designated by regulation 4(1);

"office premises" means any hereditament constructed or adapted as offices or for office purposes, or used wholly or mainly for such purposes;

"office purposes" includes the purposes of administration and clerical work and handling money; and "clerical work" includes writing, book-keeping, typing, filing, duplicating, sorting papers or information, calculating (whether by manual, mechanical or electronic means), drawing, and the editorial preparation of matter for publication; and

"operational land", in relation to a designated person, means land which is used for the purposes of carrying on that person's undertaking, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used for the purposes of carrying on of statutory undertakings (within the meaning of the Town and Country Planning Act 1990(2)).

- (2) Any reference in these Regulations to -
- (a) a central list is to the central non-domestic rating list for Wales;

(1) 1988 c.41. The functions of the Secretary of State under section 53(1), (2), (4), (4A) and (5), 63(3), 65(4), 143(1) and (2) of the Local Government Finance Act 1988 are, so far as exercisable in relation to Wales, transferred, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(2) 1990 c.8. Relevant amendments made by section 76 of the Utilities Act 2000 (c.27).

- (b) a hereditament is to a relevant non-domestic hereditament;
- (c) a designated person by name is, unless the context otherwise requires, a reference to the company or body registered by or bearing that name on 1 October 2004; and
- (d) hereditaments used for any purpose includes a reference to hereditaments which are unused but in relation to which it appears that when next in use they will be used for such a purpose.

Effect

3. Except for regulation 17, these Regulations will have effect in relation to a central list compiled on or after 1 April 2005.

Designation of persons and description of hereditaments

4.-(1) For the purposes of section 53(1) of the Act-

- (a) there are designated the persons named in the Schedule; and
- (b) there is prescribed in relation to each such person the description of hereditament set out opposite the name of that person in the Schedule.

(2) Regulation 6 of the Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989⁽¹⁾ (cross-boundary hereditaments) will not apply to any hereditament falling within any description in the Schedule.

Content of central rating lists-names and hereditaments

5. A central list must show, for each day in each year for which that list is in force-

- (a) the name of each person designated by regulation 4; and
- (b) against each name, each hereditament situated in Wales which on the day concerned is occupied (or, if unoccupied, owned) by that person, and which falls within the description prescribed in relation to that person by that regulation.

Content of central rating lists-other information

6.-(1) A central list must also show, against the name of each designated person-

- (a) where the person is a company registered in England and Wales, its registered office, and in any other case the person's principal place of business within the United Kingdom;
- (b) where the person is a registered company, its registered number; and
- (c) the first day, if later than 1 April 2005, for which the rateable value shown in the list against the name of the designated person has effect.

(2) A central list must also show, where the list has been altered in pursuance of a direction by a tribunal, the name of the tribunal which gave the direction.

Railway hereditaments

7.-(1) Where Network Rail Infrastructure Limited, which is a designated person by virtue of being listed in Part 1 of the Schedule-

- (a) occupies or, if it is unoccupied, owns any hereditament; or
- (b) lets or licenses a hereditament to-
 - (i) a licence holder or a licence exempt holder and the lessee, licensee or the British Transport Police Authority occupies, or, if unoccupied, owns the hereditament; or
 - (ii) the British Transport Police Authority and it occupies, or, if unoccupied, owns the hereditament,

and if, apart from these Regulations, those hereditaments would be more than one hereditament and provided each separate hereditament satisfies the conditions in paragraph (2) those separate hereditaments will be treated as one hereditament.

(2) The conditions mentioned in paragraph (1) are that the hereditament is -

(1) S.I. 1989/1060. Amended by S.I. 1993/616.

- (a) used wholly or mainly for railway purposes; and
 - (b) not comprised in an excepted hereditament.
- (3) In this regulation-

"excepted hereditament" means a hereditament consisting of or comprising-

- (a) premises used as a shop, hotel, museum or place of public refreshment;
- (b) premises used wholly or mainly as office premises, where those premises are not situated on the operational land of-
 - (i) any person designated by regulation 4 and named in Part 1 of the Schedule;
 - (ii) a licence exempt operator or licence holder;
- (c) premises or rights so let out as to be capable of separate assessment, other than those falling within paragraph (1)(b); or
- (d) 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-
 - (i) the carriage of goods or passengers by road transport or sea transport; or
 - (ii) harbours,

or for purposes incidental to such purposes;

"licence exempt operator" and "licence holder" have the meanings given by section 10(6) and 83(1) respectively of the Railways Act 1993(1); and

"railway purposes" means the purposes of providing railway services, within the meaning given by section 82(1) of the Railways Act 1993, or for purposes ancillary to those purposes (including the purposes of providing policing services or the exhibiting advertisements).

- (4) The hereditament described in paragraph (1) will be treated as occupied by the designated person.

Communications hereditaments

8.-(1) Where a company which is a designated person by virtue of being listed in Part 2 of the Schedule occupies or, if it is unoccupied, owns any hereditament which comprises posts, wires, fibres, cables, ducts, telephone kiosks, towers, masts, switching equipment, or other equipment, or easements or wayleaves, being property used for the monitoring, processing or transmission of communications signals for the provision of electronic communications services, and if, apart from these Regulations, those hereditaments would be more than one hereditament those separate hereditaments will be treated as one hereditament.

- (2) The hereditament described in paragraph (1) will be treated as occupied by the designated person.

National and regional gas hereditaments

9.-(1) Where Transco, which is a designated person by virtue of being listed in Part 3 of the Schedule occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those separate hereditaments satisfies the conditions set out in paragraph (4), those hereditaments will be treated as one hereditament.

(2) Subject to paragraph (3), where a company which is a designated person by virtue of being listed in Part 3 of the Schedule occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those separate hereditaments satisfies the conditions set out in paragraph (4), those hereditaments will be treated as one hereditament.

- (3) Paragraph (2) will not apply where the hereditament is occupied or if unoccupied, owned by Transco.

(4) The conditions are that each of the separate hereditaments is-

- (a) used wholly or mainly for the purposes of the designated person acting as a gas transporter; and
- (b) not an excepted hereditament.

- (5) In this regulation and in Part 3-

(1) 1993 c.43.

"excepted hereditament" means-

- (a) a hereditament to which regulation 11 applies; and
- (b) a hereditament consisting of or comprising premises used wholly or mainly-
 - (i) as office premises, where those premises are not situated on operational land of the designated person;
 - (ii) for the manufacture of plant or gas fittings;
 - (iii) as storage facilities, being underground storage cavities, liquefied natural gas storage facilities and facilities used or available for use in connection with off-shore storage; or
 - (iv) for more than one of the foregoing purposes; and

"gas transporter" has the meaning given by section 7 of the Gas Act 1986(1);

"Transco" means Transco plc and each subsidiary of National Grid Transco plc existing on 1 March 2005; and

"subsidiary" has the meaning given by section 736 of the Companies Act 1985(2).

(6) The hereditament described in paragraph (1) and (2) will be treated as occupied by the designated person.

Local gas transportation hereditaments

10.-(1) Where a company which is a designated person by virtue of being listed in Part 4 of the Schedule occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those separate hereditaments satisfies the conditions set out in paragraph (2), those hereditaments will be treated as one hereditament.

(2) The conditions are that each of the separate hereditaments is-

- (a) used wholly or mainly for the purposes of the designated person acting as a gas transporter; and
- (b) not an excepted hereditament.

(3) In paragraph (2)-

"excepted hereditament" means a hereditament consisting of or comprising premises used wholly or mainly as office premises, where those premises are not situated on operational land of the designated person; and

"gas transporter" has the meaning given by regulation 9.

(4) The hereditament described in paragraph (1) shall be treated as occupied by the designated person.

Gas meter hereditaments

11.-(1) Where-

- (a) Transco, which is a designated person by virtue of being listed in Part 5 of the Schedule; or
- (b) any other person,

occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those separate hereditaments is a gas meter attached to the end of the gas pipeline of Transco, those hereditaments will be treated as one hereditament.

(2) Subject to paragraph (3), where-

- (a) a company which is a designated person by virtue of being listed in Part 5 of the Schedule; or
- (b) any other person,

occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those separate hereditaments is a gas meter attached to the gas pipeline of the company, those hereditaments will be treated as one hereditament.

(3) Paragraph (2) will not apply where the hereditament to which the meter is attached is occupied or if unoccupied, owned by Transco.

(4) In this regulation and Part 5 -

(1) 1986 c. 44. Relevant amendments made by section 76 of the Utilities Act 2000 (c. 27.).

(2) 1985 c.6. Substituted, together with section 736A, for section 736 as originally enacted, by section 144(1) of the Companies Act 1989 (c.40.)

- (a) "gas pipeline" means a hereditament described in regulation 9(1) or (2);
- (b) "Transco" means Transco plc and each subsidiary of National Grid Transco plc existing 1 March 2005; and
- (c) "subsidiary" has the meaning given by section 736 of the Companies Act 1985.

(5) The hereditaments described in paragraphs (1) and (2) will be treated as occupied by the designated person.

Electricity transmission hereditaments

12.-(1) Where a company which is a designated person by virtue of being listed in Part 6 of the Schedule occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those separate hereditaments satisfies the conditions set out in paragraph (2), those hereditaments will be treated as one hereditament.

(2) The conditions are that each of the separate hereditaments is used wholly or mainly for the purposes of the transformation or transmission of electrical power, or for ancillary purposes and is not an excepted hereditament.

(3) In paragraph (2), "excepted hereditament" means a hereditament consisting of or comprising premises used wholly or mainly as office premises of the designated person, where those premises are not situated on operational land of the designated person.

(4) The hereditament described in paragraph (1) will be treated as occupied by the designated person.

Electricity distribution hereditaments

13.-(1) Where a company which is a designated person by virtue of being listed in Part 7 of the Schedule occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those separate hereditaments satisfies the conditions set out in paragraph (2), those hereditaments will be treated as one hereditament.

(2) The conditions are that each of the separate hereditaments is used wholly or mainly for the purposes of the designated person acting as an electricity distributor or for ancillary purposes and is not an excepted hereditament.

(3) In paragraph (2)-

"electricity distributor" has the meaning given by section 6 of the Electricity Act 1989(1); and

"excepted hereditament" means-

- (a) a hereditament to which regulation 14 applies;
- (b) a hereditament consisting of or comprising premises used wholly or mainly as office premises, where those premises are not situated on operational land of the designated person.

(4) The hereditament described in paragraph (1) will be treated as occupied by the designated person.

Electricity meter hereditaments

14.-(1) Where-

- (a) a company which is a designated person by virtue of being listed in Part 8 of the Schedule; or
- (b) any other person,

occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those separate hereditaments is an electricity meter directly attached to the electricity distribution network of the company, those hereditaments will be treated as one hereditament

(2) In paragraph (1), "electricity distribution network" means a hereditament described in regulation 13(1).

(3) The hereditament described in paragraph (1) will be treated as occupied by the designated person.

(1) 1989 c. 29. Section 6 substituted for section 6 as originally enacted by section 30 of the Utilities Act 2000 (c.27). Section 31 further provides that references in any enactment after 1 October 2001 to public electricity suppliers will have effect as if it refers to electricity suppliers or distributors or both suppliers and distributors.

Water supply hereditaments

15.-(1) Where a company which is a designated person by virtue of being listed in Part 9 of the Schedule occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those separate hereditaments satisfies the conditions set out in paragraph (2), those hereditaments will be treated as one hereditament.

(2) The conditions are that each of the separate hereditaments is used wholly or mainly for the purposes of a water undertaker or for ancillary purposes and is not an excepted hereditament.

(3) In paragraph (2)-

"excepted hereditament" means a hereditament consisting of or comprising premises used wholly or mainly-

- (a) for the manufacture, storage, sale, display or demonstration of apparatus or accessories for use by consumers of water (any use for the receipt of payments for the use of water or sewerage services being disregarded);
- (b) as office premises, where those premises are not situated on operational land of the designated person; or
- (c) for both of the foregoing purposes; and

"water undertaker" has the same meaning as in Part 2 of the Water Industry Act 1991(1).

(4) The hereditament described in paragraph (1) will be treated as occupied by the designated person.

Canal hereditaments

16.-(1) Where a company which is a designated person by virtue of being listed in Part 10 of the Schedule occupies or, if it is unoccupied, owns any hereditament which-

(a) comprises-

- (i) waterways (including cuts and culverts, locks, gates, sluices, pumps, flood let-off valves, feeders, conduits, weirs, side ponds, ditches and drains);
- (ii) aqueducts, basins, bridges, embankments, reservoirs and tunnels;
- (iii) lighthouses, beacons, buoys, breakwaters, boatlifts and other structures designed to aid navigation;
- (iv) docks, wharves, piers, jetties, pontoons, moorings, slipways, land and buildings used for the building, maintenance or floating storage of craft, or for the provision, maintenance or servicing of inland waterways and plant or machinery used in connection therewith;
- (v) clay pits, dredging or other waste disposal tips; or
- (vi) other land, buildings or structures or parts of buildings or structures used for the provision or servicing of facilities for traffic by, public access to, or enjoyment of, inland waterways, or for ancillary purposes; and

(b) is not an excepted hereditament

if, apart from these Regulations, those hereditaments would be more than one hereditament those separate hereditaments will be treated as one hereditament.

(2) In paragraph (1)-

"excepted hereditament" means any hereditament-

- (a) consisting of or including a dock or harbour undertaking carried on under authority conferred by or under any enactment;
- (b) consisting of premises so let out as to be capable of separate assessment;
- (c) consisting of office premises, where those premises are not situated on operational land of the designated person; or
- (d) consisting of a car park used wholly or mainly in connection with office premises, where those premises are not situated on operational land of the designated person; and

"inland waterway" means any such waterway, whether natural or artificial.

(3) The hereditament described in paragraph (1) will be treated as occupied by the designated person.

(1) 1991 c. 56.

Revocations and savings

17. (1) Subject to paragraph (2), there are hereby revoked-

- (a) the Non-Domestic Rating (Electricity Generators) Regulations 1991(1);
- (b) the Non-Domestic Rating (Railways, Telecommunications and Canals) Regulations 1994(2);
- (c) the Central Rating Lists (Wales) Regulations 1999(3);
- (d) the Central Rating Lists (Wales)(Amendment) Regulations 2001(4); and
- (e) the Central Rating List (Wales) (Amendment) Regulations 2003(5)

(2) The provisions mentioned in paragraph (1) will continue to have effect for the purposes of or for purposes connected with-

- (a) any alteration of a list in force immediately before 1 April 2005; or
- (b) any provision made by regulations made under section 58 of the Act (special provision for 1995 onwards) as to the chargeable amount as regards a hereditament for a relevant period, as defined in that section, ending before 1 April 2005.

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

1 March 2005

John Marek

The Deputy Presiding Officer of the National Assembly

(1) S.I. 1991/475.

(2) S.I. 1994/3123, amended by S.I. 2000/525

(3) S.I. 1999/3453.

(4) S.I. 2001/2222.

(5) S.I. 2003/3225.

(6) 1998 c.38.

SCHEDULE

Regulation 4


PART 1

Railway hereditaments

<i>Designated person</i>	<i>Relevant hereditaments</i>
Network Rail Infrastructure Limited	The hereditament described in regulation 7(1)

PART 2

Communication hereditaments

<i>Designated person</i>	<i>Relevant hereditaments</i>
British Telecommunications plc Cable and Wireless UK Global Crossing (UK) Telecommunications Limited Energis Communications Limited	 The hereditament described in regulation 8(1)


PART 3

National and Regional gas transportation hereditaments

<i>Designated person</i>	<i>Relevant hereditaments</i>
Transco Blackwater 2 Limited	The hereditament described in regulation 9(1) The hereditament described in regulation 9(2)

PART 4

Local gas transportation hereditaments

<i>Designated person</i>	<i>Relevant hereditaments</i>
British Gas Connections Limited	
British Gas Pipelines Limited	
Global Utility Connections Limited	
Utility Grid Installations Limited	
Independent Pipelines Limited	
The Gas Transportation Company Limited	
SSE Pipelines Limited	
SP Gas Limited	
Quadrant Pipelines Limited	
GTC Pipelines Limited	
ESP Networks Limited	
ESP Pipelines Limited	
E.S. Pipelines Limited	
	The hereditament described in regulation 10(1)

PART 5

Gas meter hereditaments

<i>Designated person</i>	<i>Relevant hereditaments</i>
Transco	The hereditament described in regulation 11(1)
Blackwater 2 Limited	The hereditament described in regulation 11(2)

PART 6

Electricity transmission hereditaments

<i>Designated person</i>	<i>Relevant hereditaments</i>
National Grid Company plc	The hereditament described in regulation 12(1)

PART 7

Electricity distribution hereditaments

<i>Designated person</i>	<i>Relevant hereditaments</i>
Central Networks West plc SP Manweb plc United Utilities Electricity plc Western Power Distribution (South Wales) plc	} The hereditament described in regulation 13(1)

PART 8

Electricity meter hereditaments

<i>Designated person</i>	<i>Relevant hereditaments</i>
Central Networks West plc SP Manweb plc United Utilities Electricity plc Western Power Distribution (South Wales) plc	} The hereditament described in regulation 14(1)

PART 9

Water supply hereditaments

<i>Designated person</i>	<i>Relevant hereditaments</i>
Dee Valley Water plc Dŵr Cymru Cyfyngedig Severn Trent Water Limited United Utilities Water plc	} The hereditament described in regulation 15(1)

PART 10

Canal hereditaments

<i>Designated person</i>	<i>Relevant hereditaments</i>
The British Waterways Board	The hereditament described in regulation 16(1)

PART 11

Long-distance pipe-line hereditaments

<i>Designated person</i>	<i>Relevant hereditaments</i>
Mainline Pipelines Limited	Cross-country pipe-lines (within the meaning of the Pipelines Act 1962(1)) situated within the area of more than one billing authority.

(1) 1962 c.58.

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