

2008 No. 429

RATING AND VALUATION, ENGLAND

**The Central Rating List (England) (Amendment) Regulations
2008**

<i>Made</i> - - - -	<i>20th February 2008</i>
<i>Laid before Parliament</i>	<i>28th February 2008</i>
<i>Coming into force</i> - -	<i>1st April 2008</i>

The Secretary of State, in exercise of the powers conferred by sections 53(1), (2) and (4), 64(3), 65(4), 143(1) and (2) and 146(6) of the Local Government Finance Act 1988(a), makes the following Regulations:

Citation, application and commencement

1. These Regulations, which apply to England only, may be cited as the Central Rating List (England) (Amendment) Regulations 2008 and shall come into force on 1st April 2008.

Amendment of the Central Rating List (England) Regulations 2005

2. The Central Rating List (England) Regulations 2005(b) are amended as follows—
- (a) regulation 8(3) (communications hereditaments) is omitted; and
 - (b) in Part 12 (long-distance pipe-line hereditaments) of the Schedule, in the column headed “Designated person”—
 - (i) below “BP Oil UK Limited”, insert “with effect from 22nd July 2005, the company bearing the name Cemex UK Cement Limited on that date”, and
 - (ii) below “Ineos Chlor Limited”, insert “with effect from 16th June 2006, the company bearing the name Ineos Manufacturing Scotland Limited on that date”.

Signed by authority of the Secretary of State for Communities and Local Government

20th February 2008

John Healey
Minister of State
Department for Communities and Local Government

(a) 1988 c.41. Section 53 was amended by paragraph 29 of Schedule 5 to the Local Government and Housing Act 1989 (c.42). These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): see the reference to the Local Government Finance Act 1988 in Schedule 1. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers.

(b) S.I. 2005/551, amended by S.I. 2006/495; there are other amending instruments but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Central Rating List (England) Regulations 2005 (“the 2005 Regulations”).

Under sections 53, 64(3) and 65(4) of the Local Government Finance Act 1988 (“the Act”), the 2005 Regulations prescribe the hereditaments which are to be listed on central non-domestic rating lists for England compiled on or after 1st April 2005 and designate the persons who will be considered to be in occupation or, if unoccupied, ownership of those hereditaments for the purposes of rating.

Regulation 8 of the 2005 Regulations is concerned with telecommunications hereditaments. It specifies that British Telecommunications plc (“BT”) shall be treated as in occupation of a single hereditament comprising property which it occupies or owns, such as telephone kiosks and masts, and all unbundled local loops. An unbundled local loop exists where the copper wire connection between the local telephone exchange and the customer’s premises is disconnected from BT’s network and connected to an alternative service provider’s network. Regulation 8(3) provides that unbundled local loops will cease to form part of this single hereditament on 1st April 2008 and so BT would cease to be treated as in occupation of them on that date.

These Regulations omit regulation 8(3) of the 2005 Regulations so that BT will continue to be treated as being in occupation of all unbundled local loops indefinitely (regulation 2(a)).

The Schedule to the 2005 Regulations lists the persons designated as occupying centrally listed hereditaments. Regulation 2(b) of these Regulations adds to the list of persons which are designated as occupying or, if unoccupied, owning long-distance pipe-lines (Part 12 of the Schedule), to reflect changes in the businesses operating in that sector.

Section 53(4) of the Act provides that where regulations amend the list of designated persons in relation to a description of hereditament, those amendments may have effect from a date earlier than that on which the amending regulations are made. Pursuant to that power, regulation 2(b)(i) of these Regulations adds Cemex UK Cement Limited to the list in Part 12 of the Schedule to the 2005 Regulations with effect from 22nd July 2005 and regulation 2(b)(ii) adds Ineos Manufacturing Scotland Limited to that list with effect from 16th June 2006.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Communities and Local Government’s Business Rates and Valuation Division (telephone 020 7944 3810) and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website (www.opsi.gov.uk).

£3.00

© Crown copyright 2008

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s
Stationery Office and Queen’s Printer of Acts of Parliament.

E2004 2/2008 182004T 19585

