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STATUTORY RULES OF NORTHERN IRELAND

2015 No. 147

RATES

The Valuation (Telecommunications, Natural Gas and Water) (Amendment) Regulations (Northern Ireland) 2015

Made - - - -	*11th March 2015*
Coming into operation	*1st April 2015*

The Department of Finance and Personnel makes the following Regulations in exercise of the powers conferred by Article 37(4) and (5) of, and paragraph 5 of Part 1 of Schedule 12 to, the Rates (Northern Ireland) Order 1977(**1**).

Citation and commencement

1. These Regulations may be cited as the Valuation (Telecommunications, Natural Gas and Water) (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

Amendment of the Valuation (Telecommunications, Natural Gas and Water) Regulations (Northern Ireland) 2010

2. After regulation 3 of the Valuation (Telecommunications, Natural Gas and Water) Regulations (Northern Ireland) 2010(**2**) there shall be inserted the following regulation—

"**Treatment of electronic communications apparatus**

3A.—(1) This paragraph applies to electronic communications apparatus, other than excepted apparatus, which is—

(a) attached to or situated in or on an electronic communications hereditament ("the principal hereditament"); and

(b) so occupied or owned as to constitute (apart from this regulation) one or more hereditaments separate from the principal hereditament.

(**1**) S.I. 1977/2157 (N.I. 28); paragraph (4) of Article 37 was substituted by Article 6(1) of the Rates (Amendment) (Northern Ireland) Order 1996 (S.I. 1996/3162 (N.I. 25)); paragraph (5) of Article 37 was inserted by section 17 of, and paragraph 3 of Schedule 1 to, the Rates (Amendment) Act (Northern Ireland) 2009 (2009 c. 8 (N.I.)); and in Schedule 12 in Part I, paragraph 5 was inserted by Article 12(a) of the Rates (Amendment) (Northern Ireland) Order 1996 (S.I. 1996/3162 (N.I. 25)).

(**2**) S.R. 2010 No. 431 as amended by S.R. 2014 No. 67

(2) Electronic communications apparatus to which paragraph (1) applies and the hereditament which is the principal hereditament in relation to such apparatus shall, subject to paragraph (3), be treated as a single hereditament in the occupation or ownership of the host.

(3) Paragraph (2) does not apply where an electronic communications hereditament is on or forms part of a building or structure all or any part of which is owned or occupied by the host for any purpose other than the provision of or operation of a site for electronic communications apparatus.

(4) In this regulation—

"the 1984 Act" means the Telecommunications Act 1984(**3**);

"the 2003 Act" means the Communications Act 2003(**4**);

"the 2006 Act" means the Wireless Telegraphy Act 2006(**5**);

"electronic communications apparatus" includes—

(a) electronic communications apparatus within the meaning given by Schedule 2(**6**) to the 1984 Act which is used, or designed for use, for—

(i) wireless telegraphy within the meaning given by section 116 of the 2006 Act, or

(ii) broadcasting; and

(b) structures in the nature of huts or other buildings (including structures forming part only of a building) used, or designed for use, solely to house apparatus within the description in paragraph (a),

together with any ancillary equipment occupied exclusively for the purposes of an operator;

"electronic communications hereditament" means—

(a) a site forming a hereditament occupied exclusively by electronic communications apparatus, or

(b) a site which would constitute a single hereditament but for the occupation of the whole of it exclusively by electronic communications apparatus operated or owned by more than one operator,

and for the purposes of determining whether a hereditament is occupied exclusively by electronic communications apparatus, the presence on the site of, and of accommodation for, personnel for the sole purpose of maintaining, repairing, operating or safeguarding that apparatus shall be disregarded;

"electronic communications network" and "electronic communications service" have the same meanings as in the 2003 Act;

"excepted apparatus" means electronic communications apparatus which is occupied by a person-

(a) who is either British Telecommunications plc. or a company which is mentioned in Part I of the Schedule; and

(b) who is not the host in relation to the site on which the apparatus is situated or to which it is attached;

(**3**) 1984 c. 12
(**4**) 2003 c.21
(**5**) 2006 c. 36: section 8 was amended by paragraph 4 of Schedule 2 to the Electronic Communications and Wireless Telegraphy Regulations 2011 (S.I. 2011/1210)
(**6**) Schedule 2 to the 1984 Act was amended by section 106 of, and Schedule 3 to, the Communications Act 2003

"host" in relation to a site means the person who has the right to receive payment in respect of the use of any part of the site by any other person who is an operator occupying electronic communications apparatus, or would have such a right if any such part were so used; and

"operator" means-

(a) any person holding a wireless telegraphy licence granted under section 8 of the 2006 Act; or

(b) any person lawfully providing an electronic communications network or an electronic communications service.".

Sealed with the Official Seal of the Department of Finance and Personnel on 11th March 2015

(L.S.)

Brian McClure
A senior officer of the Department of Finance
and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Valuation (Telecommunications, Natural Gas and Water) Regulations (Northern Ireland) 2010 to provide that electronic communications apparatus situated on a hereditament occupied for electronic communications purposes (the "principal hereditament"), in such a way as to constitute a separate rateable hereditament, is to be treated together with the principal hereditament as a single hereditament in the occupation or ownership of the electronic communications operator who has the right to receive payment in respect of the use of the site by any other such operator.