
STATUTORY INSTRUMENTS

1994 No. 3284

RATING AND VALUATION

The Railways (Rateable Values) Order 1994

Made - - - - 20th December 1994

Coming into force - - 21st December 1994

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them 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⁾, and of all other powers enabling them in that behalf, hereby make the following Order in the terms of a draft laid before, and approved by resolution of, each House of Parliament:

Citation and commencement

1. This Order may be cited as the Railways (Rateable Values) Order 1994 and shall come into force on the day after the day on which it is made.

Interpretation

2. In this Order—

“the Act” means the Local Government Finance Act 1988;

“English railway hereditament” means a hereditament described in regulation 3(2) or (3) of the Non-Domestic Rating (Railways, Telecommunications and Canals) Regulations 1994⁽²⁾ and required by virtue of regulation 6(1) of and Part 4 of the Schedule to the Central Rating Lists Regulations 1994⁽³⁾ to be shown in the central rating list for England;

“London Underground hereditaments” means the hereditaments occupied (or, if unoccupied, owned) by London Underground Limited and required by virtue of regulation 6(1) of and Part 4 of the Schedule to the Central Rating Lists Regulations 1994 to be shown in the central rating list for England;

“recalculation factor” means in relation to an English railway hereditament, a Welsh railway hereditament and the London Underground hereditaments the factor determined in relation to that hereditament or those hereditaments in accordance with article 7 or 8, as the case may be;

(1) 1988 c. 41. See section 146(6) for the definition of “prescribed”. Section 143(2) is amended by paragraph 72(2) of Schedule 5 to the Local Government and Housing Act 1989 (c. 42). Paragraph 3(2) of Schedule 6 is amended by paragraph 38(13) of Schedule 5 to the 1989 Act.

(2) S.I. 1994/3123.

(3) S.I. 1994/3121.

“relevant year” means any year for which a rateable value falls to be determined in accordance with this Order, and “relevant preceding year” means the year preceding a relevant year;

“the standard formula” means the formula

$T+U$

where—

- a T is the rateable value specified in regulation 5 for the year beginning on 1st April 1995 in respect of an English railway hereditament, a Welsh railway hereditament or the London Underground hereditaments, as the case may be; and
- b U is the recalculation factor applicable to that hereditament or those hereditaments in respect of the relevant year;

“Welsh railway hereditament” means a hereditament described in regulation 3(2) or (3) of the Non-Domestic Rating (Railways, Telecommunications and Canals) Regulations 1994 and required by virtue of regulation 6(2) of and Part 4 of the Schedule to the Central Rating Lists Regulations 1994 to be shown in the central rating list for Wales; and

“year” means a chargeable financial year.

Rounding of numbers

3. Where (apart from this article) any rateable value determined under this Order would include a fraction of a pound—

- (a) the fraction shall be made up to one pound if it would exceed 50p, and
- (b) the fraction shall be ignored if it would be 50p or less.

Revocations and savings

4.—(1) Subject to paragraph (2), the Railways (Rateable Values) Order 1989(4) and the Railways (Rateable Values) (Amendment) Order 1994(5) are hereby revoked with effect from 1st April 1995.

(2) Without prejudice to section 16(1) of the Interpretation Act 1978(6), the provisions of the Orders mentioned in paragraph (1) shall continue to have effect on and after 1st April 1995 for the purposes of and for purposes connected with—

- (a) any alteration of a list in force immediately before 1st April 1995; or
- (b) any provision made by regulations made under section 58(7) of the 1988 Act (special provision for 1995 onwards) as to the chargeable amount as regards a hereditament for a relevant period as defined in that section.

Rateable values

5.—(1) In the case of either English railway hereditament, either Welsh railway hereditament and the London Underground hereditaments, paragraphs 2 to 2B(8) of Schedule 6 to the Act shall not apply in any year beginning on or after 1st April 1995 and the rateable values of such hereditaments in the year beginning on 1st April 1995 shall be as follows—

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- (4) S.I. 1989/2477 amended by section 1(3) of the Non-Domestic Rating Act 1992 (c. 46), section 1(5) of the Non-Domestic Rating Act 1993 (c. 17) and section 1(4) of the Non-Domestic Rating Act 1994 (c. 3).
 - (5) S.I. 1994/999.
 - (6) 1978 c. 30.
 - (7) Section 58 is amended by paragraph 68 of Schedule 13 to the Local Government Finance Act 1992 (c. 14) and by section 2 of the Non-Domestic Rating Act 1994.
 - (8) Paragraph 2 is amended and paragraphs 2A and 2B are inserted by paragraph 38(3) to (11) of Schedule 5 to the Local Government and Housing Act 1989.

- (a) in the case of the English railway hereditament occupied by Railtrack PLC, £206,114,100;
- (b) in the case of the Welsh railway hereditament occupied by Railtrack PLC, £10,383,100;
- (c) in the case of the English railway hereditament occupied by the British Railways Board, £10,848,100;
- (d) in the case of the Welsh railway hereditament occupied by the British Railways Board, £321,100; and
- (e) in the case of the London Underground hereditaments, £44,600,000.

(2) In each subsequent year, the rateable value of each English railway hereditament, each Welsh railway hereditament and the London Underground hereditaments referred to in paragraph (1), respectively, shall be the amount produced in respect of that year by applying the standard formula in relation to such hereditaments.

Recalculation factor — interpretation

6.—(1) In articles 7 and 8, in any formula—

- (a) F is the figure calculated in accordance with the formula—

gGG ,

where—

g is the estimated annual average number of millions of net tonne-kilometres of revenue-earning freight carried on the railways of the relevant designated person in the period of three years ending on 31st March in the relevant preceding year; and

G , subject to article 7(4), is the estimated annual average number of millions of net tonne-kilometres of revenue-earning freight carried on those railways in the period of three years ending on 31st March 1995,

calculated to the nearest tenth part of a million;

- (b) P is the figure calculated in accordance with the formula—

jJJ ,

where—

j is the estimated annual average number of millions of passenger kilometres undertaken on the railways of the relevant designated person in the period of three years ending on 31st March in the relevant preceding year; and

J , subject to articles 7(4) and 8(4), is the estimated annual average number of such passenger kilometres in the period of three years ending on 31st March 1995,

calculated to the nearest tenth part of a million; and

- (c) T has the same meaning as in the definition of the standard formula in article 2.

(2) In regulations 7 and 8, “designated person” means Railtrack PLC, the British Railways Board or London Underground Limited and in relation to any hereditament or hereditaments “relevant designated person” means the person who is designated in respect thereof by regulation 5(1) of the Central Rating Lists Regulations 1994.

(3) Where in any year the provision of a railway service by a designated person has been temporarily interrupted, any estimate required to be made for the purposes of this Order in relation to that person shall be made as if during the period of the interruption a normal service had been maintained.

Recalculation factor — Railtrack PLC and the British Railways Board

7.—(1) This article applies to the English railway hereditament and the Welsh railway hereditament occupied by the British Railways Board and to the English railway hereditament and the Welsh railway hereditament occupied by Railtrack PLC.

(2) Where in relation to any year and any hereditament to which this article applies the figure calculated in accordance with the formula—

$$2P+F3$$

is less than 0.05 and greater than 0.05, the recalculation factor applicable to that hereditament—

- (a) in the first such year shall be 0, and
 - (b) in any subsequent such year, shall be the recalculation factor applicable in accordance with this article in the relevant preceding year.
- (3) Where the figure calculated in accordance with paragraph (2) is either—
- (a) equal to or greater than 0.05, or
 - (b) equal to or less than 0.05,

the recalculation factor applicable to that hereditament in that year shall be calculated in accordance with the formula—

$$T(2P+F)9.$$

(4) In relation to any hereditament to which this article applies and any year beginning after the year in which paragraph (3) first applies, paragraph (2) shall apply as if, in calculating F and P in accordance with the formula specified in article 6(1), for J and G respectively there were substituted K and H, where—

K is a number equal to the value applicable to j in the last foregoing year in which the applicable recalculation factor for that hereditament was determined under paragraph (3), and

H is a number equal to that determined as g for that hereditament in that year.

Recalculation factor — London Underground Limited

8.—(1) This article applies to the London Underground hereditaments.

(2) Where in relation to any year the value attributable to j in respect of the hereditaments to which this article applies is less than that calculated in respect of those hereditaments in accordance with the formula—

$$J(105100),$$

(“the upper threshold”) and greater than that calculated in accordance with the formula—

$$J(95100),$$

(“the lower threshold”) the recalculation factor applicable to those hereditaments—

- (a) in the first such year shall be 0, and
- (b) in any subsequent such year shall be an amount equal to the recalculation factor applicable in accordance with this article in the relevant preceding year.

(3) Where in relation to any year the value attributable to j in respect of the hereditaments to which this article applies is equal to or exceeds the upper threshold or is equal to or lower than the lower threshold, the recalculation factor applicable to those hereditaments in that year shall be the figure calculated in accordance with the formula—

$$T \times P4.$$

(4) In relation to the hereditaments to which this article applies and any year beginning after the year in which paragraph (3) first applies to those hereditaments, paragraph (2) shall apply as if for J there were substituted K, where K is a number having the same value as j in the last foregoing year in relation to which the applicable recalculation factor for those hereditaments was that determined in accordance with paragraph (3).

Signed by authority of the Secretary of State for the Environment

19th December 1994

David Curry
Minister of State,
Department of the Environment

Signed by authority of the Secretary of State for Wales

20th December 1994

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 Secretary of State may by order provide in the case of non-domestic hereditaments to be shown in the central rating lists for England and Wales that the normal rules of valuation for rating contained in paragraphs 2 to 2B of that Schedule shall not apply, and instead their rateable values shall be such as are specified in the order or determined in accordance with prescribed rules.

Article 4 revokes with effect from 1st April 1995 the Railways (Rateable Values) Order 1989 and provides that the Order shall continue to have effect for the purposes specified in that article.

Article 5 provides that paragraphs 2 to 2B of Schedule 6 to the Local Government Finance Act 1988 shall not apply in respect of certain railway hereditaments entered in the central rating list for England or the central rating list for Wales in accordance with the Central Rating Lists Regulations 1994 (S.I.1994/3121).

Article 5 sets out the rateable values of the above hereditaments for the year beginning on 1st April 1995 and provides that in subsequent years their rateable values shall be calculated in accordance with the standard formula.

Articles 6, 7 and 8 provide for annual adjustment of the uprating factor used in the standard formula by reference to variations in railway traffic.