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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 431**

**RATES**

**Valuation (Telecommunications, Natural Gas  
and Water) Regulations (Northern Ireland) 2010**

*Made - - - - 29th December 2010*

*Coming into operation 31st January 2011*

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) Regulations (Northern Ireland) 2010 and shall come into operation on 31st January 2011.

**Commencement Information**

**I1** [Reg. 1](#) in operation at 31.1.2011, see [reg. 1](#)

**Interpretation**

2.—(1) Any reference in these Regulations to hereditaments used for any purpose includes a reference to hereditaments which are unused but in relation to which it appears that when next used they will be used for such a purpose.

(2) Any reference in these Regulations to a company by name is a reference to that company registered by or bearing that name at the date its name is entered in the NAV list.

**Commencement Information**

**I2** [Reg. 2](#) in operation at 31.1.2011, see [reg. 1](#)

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(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 \(N.I. 25\)](#)).

**Telecommunications hereditaments****3.—(1) Where—**

- (a) British Telecommunications plc. occupies, or if it is unoccupied, owns any hereditament which comprises posts, wires, fibres, cables, ducts, telephone kiosks, masts, towers, switching equipment, or other equipment, or easements or wayleaves, being property used for the monitoring, processing or transmission of communications or other signals for the provision of electronic communications services; or
- (b) any person occupies, or if it is unoccupied, owns any hereditament which is an unbundled local loop,

and which would, apart from these Regulations, be more than one hereditament, those hereditaments shall be treated as one hereditament.

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

(3) The hereditament described in paragraph (1) shall be treated as occupied by British Telecommunications plc.

(4) The hereditament described in paragraph (2) shall be treated as occupied by the designated person.

(5) The letting or licensing by British Telecommunications plc. to any person of a fully unbundled local loop is to be assumed, for the purpose of valuing the hereditament described in paragraph (1) pursuant to Part III of the Rates (Northern Ireland) Order 1977, to be a matter affecting the physical state or physical enjoyment of the hereditament.

**(6) In this regulation—**

“fully unbundled local loop” means an unbundled local loop which British Telecommunications plc. has let or licensed to any person for all uses that comprise the monitoring, processing or transmission of communications or other signals for the provision of electronic communications services; and

“unbundled local loop” means—

- (a) cables, fibres, wires and conductors (or any part of them) used or intended to be used for carrying communications or other signals between the network terminating equipment on the premises of end users and premises (or any part of them) used for the processing of communications or other signals, and land occupied therewith; and
- (b) poles, posts, towers, masts, mast radiators, pipes, ducts, conduits and any associated supports and foundations (or any part of them) used or intended to be used in connection with any of the items listed in paragraph (a), and land occupied therewith,

which British Telecommunications plc. has let or licensed to any person.

**Commencement Information**

**I3** [Reg. 3](#) in operation at 31.1.2011, see [reg. 1](#)

## [F1] 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.

(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<sup>(3)</sup>;

“the 2003 Act” means the Communications Act 2003<sup>(4)</sup>;

“the 2006 Act” means the Wireless Telegraphy Act 2006<sup>(5)</sup>;

“electronic communications apparatus” includes—

- (a) electronic communications apparatus within the meaning given by Schedule 2 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

<sup>(3)</sup> S.R. 2008 No. 226

<sup>(4)</sup> S.R. 2003 No. 93

<sup>(5)</sup> S.R. 2004 No. 462

**Status:** Point in time view as at 24/08/2020.

**Changes to legislation:** There are currently no known outstanding effects for the Valuation (Telecommunications, Natural Gas and Water) Regulations (Northern Ireland) 2010. (See end of Document for details)

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

“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.]

**F1** [Reg. 3A](#) inserted (1.4.2015) by [The Valuation \(Telecommunications, Natural Gas and Water\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/147\)](#), regs. 1, 2

### Gas transportation hereditaments

4.—(1) Where a company mentioned in Part 2 of the Schedule (“the designated person”) occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those hereditaments satisfies the conditions set out in paragraph (2), those hereditaments shall be treated as one hereditament.

(2) The conditions are that each of the 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 this regulation—

“gas transporter” means a person who holds a licence granted under Article 8(1)(a) of the Gas (Northern Ireland) Order 1996(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.

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

### Commencement Information

**I4** [Reg. 4](#) in operation at 31.1.2011, see [reg. 1](#)

### Amendment

5. In regulation 3 of the Valuation (Water Undertaking) Regulations (Northern Ireland) 2008(3) there shall be added at the end the following paragraph—

“(4) The hereditament described in paragraph (1) shall be treated as occupied by Northern Ireland Water Limited.”.

(2) [S.I. 1996/275 \(N.I. 2\)](#)

(3) [S.R. 2008 No. 226](#)

**Commencement Information**

**I5** [Reg. 5](#) in operation at 31.1.2011, see [reg. 1](#)

**Revocation**

**6.** The Valuation (Telecommunications) Regulations (Northern Ireland) 2003**(4)** and the Valuation (Natural Gas Undertaking) Regulations (Northern Ireland) 2004**(5)** are revoked.

**Commencement Information**

**I6** [Reg. 6](#) in operation at 31.1.2011, see [reg. 1](#)

Sealed with the Official Seal of the Department of Finance and Personnel on 29th December 2010



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

**(4)** S.R. 2003 No. 93  
**(5)** S.R. 2004 No. 462

**Status:** Point in time view as at 24/08/2020.

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## SCHEDULE

### Regulation 3

## PART 1

### Telecommunication hereditaments

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**Commencement Information**

**I7** Sch. Pt. 1 in operation at 31.1.2011, see **reg. 1**

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***I<sup>F2</sup> Company name***

Atlas Communications NI Limited  
B4B Telecoms Ltd.  
Cable & Wireless UK Ltd.  
Eircom UK Ltd.  
Fibrus Ltd.  
Hibernia Atlantic (UK) Limited  
Mercury Communications Limited  
The Internet Business Ltd, trading as ‘Tibus’  
Virgin Media Limited  
Vodafone Limited]

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**F2** Sch. Pt. 1 substituted (24.8.2020) by The Valuation (Telecommunications, Natural Gas and Water) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/161), reg. 1, **Sch.**

### Regulation 4

## PART 2

### Gas transportation hereditaments

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**Commencement Information**

**I8** Sch. Pt. 2 in operation at 31.1.2011, see **reg. 1**

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***I<sup>F3</sup> Company name***

Belfast Gas Transmission Ltd.  
BGE (UK) Ltd.  
GNI (UK) Ltd.

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**F<sup>3</sup> Company name**

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Firmus Energy (Distribution) Ltd.  
Phoenix Natural Gas Limited – Distribution.  
Premier Transmission Limited.  
Scotia Gas Networks Northern Ireland Ltd.  
West Transmission Limited.]

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<b>F3</b> Sch. Pt. 2 substituted (1.11.2019) by <a href="#">The Valuation (Telecommunications, Natural Gas and Water) (Amendment) Regulations (Northern Ireland) 2019 (S.R. 2019/198)</a> , reg. 1, <b>Sch.</b>
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## EXPLANATORY NOTE

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

These Regulations—

- (a) provide that—
  - (i) certain hereditaments occupied or owned by British Telecommunications plc. (“BT”) and used for telecommunication services; and
  - (ii) unbundled local loops which BT lets or licenses to another person, shall, for the purposes of the Rates (Northern Ireland) Order 1977 (“the 1977 Order”), be treated as a single hereditament occupied by BT;
- (b) provide that the letting or licensing by BT of a fully unbundled local loop is to be assumed, for the purposes of valuing the single hereditament occupied by BT, to be a matter affecting the physical state or physical enjoyment of the hereditament;
- (c) provide that certain hereditaments of any company listed in the Schedule shall, for the purposes of the 1977 Order, be treated as a single hereditament occupied by that company;
- (d) make a minor amendment to the Valuation (Water Undertaking) Regulations (Northern Ireland) 2008; and
- (e) revoke the Valuation (Telecommunications) Regulations (Northern Ireland) 2003 and the Valuation (Natural Gas Undertaking) Regulations (Northern Ireland) 2004.

An unbundled local loop exists when the copper wire connection between a local telephone exchange and a customer’s premises is let or licensed to an alternative service provider for the provision to a customer of electronic communication services. A fully unbundled loop exists when that copper wire connection is wholly disconnected from BT’s network and connected to an alternative service provider’s network for the provision of all electronic communication services to a customer’s premises.

**Status:**

Point in time view as at 24/08/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Valuation (Telecommunications, Natural Gas and Water) Regulations (Northern Ireland) 2010.