



# Local Government Act 1948

## 1948 CHAPTER 26

### PART V

#### RATING OF TRANSPORT AND ELECTRICITY AUTHORITIES.

##### *Railways and Canals; rating provisions.*

#### **86 Definition of railway or canal hereditament.**

- (1) In this Part of this Act, except where the contrary is expressly provided, the expression " railway or canal hereditament " means a hereditament occupied for any of the purposes of the British Transport Commission specified in subsection (2) of this section :

Provided that no premises occupied as a dwelling-house, hotel or place of public refreshment, or so let out as to be capable of separate assessment, shall be deemed to be, or to form part of, a railway or canal hereditament.

- (2) The purposes referred to in subsection (1) of this section (elsewhere in this Act referred to as " non-rateable purposes ") are—
- (a) all purposes of the parts of the undertaking of the Commission which are concerned with the carriage of goods or passengers by rail or inland waterway or the provision of facilities for traffic by inland waterway ; and
  - (b) all purposes of any parts of their undertaking which are subsidiary or incidental to any such part as aforesaid, not being parts thereof concerned with road transport, sea transport or harbours or parts thereof subsidiary or incidental to the parts thereof concerned with road transport, sea transport or harbours :

Provided that—

- (i) services performed by the Commission in connection with the collection and delivery of parcels, goods or merchandise conveyed or to be conveyed by rail or inland waterway shall be deemed for the purposes of this subsection to be performed in carrying on -a part of the Commission's undertaking concerned

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*Status: This is the original version (as it was originally enacted).*

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with the carriage of goods by rail or inland waterway and not in carrying on a part of their undertaking concerned with road transport ; and

(ii) where a hereditament is occupied mainly for non-rateable purposes as defined by the preceding provisions of this section, and partly for the purposes of the central direction and control of the affairs of the Commission, the last-mentioned purposes shall be deemed for the purposes of this Part of this Act to be non-rateable purposes.

(3) In this section, the expression " harbour " has the same meaning as in the Transport Act, 1947, and the expression " road transport " includes transport by a light railway or tramway, if the light railway or tramway is laid wholly or mainly along a public highway and is used wholly or mainly for the carriage of passengers.