

2000 No. 2421

RATING AND VALUATION, ENGLAND

**The Non-Domestic Rating (Telecommunications Apparatus)
(England) Regulations 2000**

Made - - - - 7th September 2000

Laid before Parliament 8th September 2000

Coming into force 1st October 2000

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred on him by sections 64(3) and 65(4) of the Local Government Finance Act 1988^(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and extent

1. These Regulations, which extend to England only, may be cited as the Non-Domestic Rating (Telecommunications Apparatus) (England) Regulations 2000 and shall come into force on 1st October 2000.

Interpretation

2. In these Regulations—

“excepted apparatus” means telecommunications apparatus which is occupied by a person—

- (a) whose name is for the time being shown in a central non-domestic rating list; and
- (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 telecommunications apparatus, or would have such a right if any such part were so used;

“operator” means any person licensed for the running of a telecommunications system under section 1 of the Wireless Telegraphy Act 1949 (“the 1949 Act”)^(b) or section 7 of the Telecommunications Act 1984^(c) (“the 1984 Act”);

^(a) 1988 c. 41. There are amendments to these provisions which are not relevant to these Regulations. This power is devolved, so far as exercisable in relation to Wales, to the National Assembly for Wales by 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.

^(b) 1949 c. 54.

^(c) 1984 c. 12.

“telecommunications apparatus” includes—

- (a) telecommunications 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 19 of the 1949 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; and

“telecommunications hereditament” means—

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

and for the purposes of determining whether a hereditament is occupied exclusively by telecommunications 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.

Treatment of telecommunications apparatus

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

- (a) attached to or situated in or on a telecommunications 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) Telecommunications 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 a telecommunications 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 telecommunications apparatus.

Signed by authority of the Secretary of State
for the Environment, Transport and the Regions

Nick Raynsford
Minister of State,

7th September 2000

Department of the Environment, Transport and the Regions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the treatment in non-domestic rating lists of certain hereditaments which consist exclusively of telecommunications apparatus.

Regulation 2 contains definitions, and regulation 3 provides that telecommunications apparatus situated on a hereditament occupied for telecommunications purposes (the “principal hereditament”) in such a way as to constitute a separate hereditament is to be treated together with the principal hereditament as a single hereditament in the occupation of the telecommunications operator entitled to payment for the use of the principal hereditament by any other such operator.

STATUTORY INSTRUMENTS

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