
STATUTORY INSTRUMENTS

2005 No. 549

RATING AND VALUATION, ENGLAND

**The Non-Domestic Rating (Communications
and Light Railways) (England) Regulations 2005**

<i>Made</i>	- - - -	<i>8th March 2005</i>
<i>Laid before Parliament</i>		<i>10th March 2005</i>
<i>Coming into force</i>	- -	<i>1st April 2005</i>

The First Secretary of State, in exercise of the powers conferred by sections 64(3), 65(4) and 143(1) and (2) of the Local Government Finance Act 1988(1), hereby makes the following Regulations:

Citation, application, commencement and interpretation

1.—(1) These Regulations, which apply to England only, may be cited as the Non-Domestic Rating (Communications and Light Railways) (England) Regulations 2005 and shall come into force on 1st April 2005.

(2) Any reference in these Regulations to a person by name is a reference to the company or body registered by or bearing that name on 1st October 2004.

Effect

2. These Regulations shall have effect only in respect of local non-domestic rating lists compiled on or after 1st April 2005.

Communications hereditaments

3.—(1) Where a person listed in Part 1 of the Schedule occupies or, if it is unoccupied, owns any hereditament which comprises posts, wires, fibres, cables, ducts, telephone kiosks, 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 if, apart from these Regulations, those hereditaments would be more than one hereditament, those separate hereditaments shall be treated as one hereditament.

(2) The hereditament described in paragraph (1) shall be treated—

(1) 1988 c. 41. These powers are devolved, 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.

- (a) as occupied by the person named in respect of it; and
- (b) as situated in the area of the billing authority listed against the person's name in Part 1 of the Schedule.

Light railway hereditaments

4.—(1) Where a person listed in Part 2 of the Schedule occupies or, if it is unoccupied, owns any hereditament which—

- (a) is used wholly or mainly for the purposes of the parts of its undertaking which are concerned with the carriage of goods or passengers by rail, or for purposes ancillary to those purposes (including the purpose of exhibiting advertisements); and
- (b) is not an excepted hereditament,

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

(2) For the purposes of paragraph (1), “excepted hereditament” means a hereditament consisting of or comprising—

- (a) premises used as a shop, hotel, museum or place of public refreshment;
- (b) premises used wholly or mainly as office premises which are occupied by that person, where those premises are not situated on the operational land of that person;
- (c) premises or rights so let out as to be capable of separate assessment; and
- (d) premises, other than premises used in connection with the collection and delivery of parcels, goods or merchandise conveyed or to be conveyed by rail, used wholly or in part for purposes concerned with the carriage of goods or passengers by road transport or sea transport or with harbours, or for purposes incidental to such purposes.

(3) The hereditament described in paragraph (1) shall be treated—

- (a) as occupied by the person named in respect of it; and
- (b) as situated in the area of the billing authority listed against the person's name in Part 2 of the Schedule.

Signed by authority of the First Secretary of State

8th March 2005

Phil Hope
Parliamentary Under Secretary of State, Office
of the Deputy Prime Minister

SCHEDULE

Regulations 3 and 4

PART 1

Communications hereditaments

<i>Name</i>	<i>Billing authority</i>
Colt Telecom Group plc	Common Council of the City of London
Easynet Telecommunications Limited	London Borough Council of Tower Hamlets
Fibernet Group plc	Reading Borough Council
Gamma Telecom Holdings Limited	Trafford Borough Council
Kingston Communications Limited	Kingston upon Hull District Council
KPN Eurorings B.V.	London Borough Council of Tower Hamlets
Level 3 Communications Limited	London Borough Council of Tower Hamlets
MCI Worldcom Limited	London Borough Council of Camden
NTL National Networks Limited	Bedford Borough Council
Surf Telecoms Limited	Bristol City Council
Telewest Communication Group Limited	Tewkesbury Borough Council
Teliasonera International Carrier UK Limited	London Borough Council of Tower Hamlets
Telstra Europe Limited	London Borough Council of Tower Hamlets
Thus PLC	London Borough Council of Tower Hamlets
VTL (UK) Limited	Runnymede Borough Council
Your Communications Limited	Manchester City Council

PART 2

Light railway hereditaments

<i>Name</i>	<i>Billing authority</i>
Greater Manchester Metro Limited	Manchester City Council
South Yorkshire Supertram Limited	Sheffield City Council

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 Regulations)

These Regulations provide in relation to England that certain property occupied, or, if unoccupied, owned by Greater Manchester Metro Limited, South Yorkshire Supertram Limited or any of the communications operators mentioned in the Schedule which would, apart from these Regulations, be more than one hereditament, shall be treated as one hereditament. These Regulations also specify who shall be treated as occupying each hereditament and the billing authority area in which each hereditament shall be treated as situated.