

EXPLANATORY MEMORANDUM TO
THE CENTRAL RATING LIST (ENGLAND) (AMENDMENT) (NO. 2)
REGULATIONS 2013

2013 No. 2887

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Central Rating List (England) (Amendment) (No. 2) Regulations 2013 (“the Amending Regulations”) amend the Central Rating List (England) Regulations 2005 (“the Central Rating List Regulations”), which designate persons and prescribe in relation to those persons the hereditaments¹ to be listed on the central rating list. The Amending Regulations substitute one designated person with another to reflect the change in ownership of a certain long-distance pipe-line.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Most non-domestic hereditaments in England appear on the local rating list for the local authority area in which they are situated and rates are paid to that local authority. However, some hereditaments appear on a central rating list and rates are paid to the Secretary of State for Communities and Local Government. The Central Rating List Regulations, which are made under section 53 of the Local Government Finance Act 1988, stipulate those hereditaments which must appear on the central list rather than any local list by reference to a designated person.

4.2 Section 53(4) of the Local Government Finance Act 1988 (“the Act”) provides that where regulations amend the list of designated persons in relation to a description of hereditament, those amendments may have effect from a date earlier than that on which the amending regulations are made.

4.3 Regulation 2 of the Amending Regulations amends Part 12 of the Schedule to the Central Rating List Regulations (long-distance pipe-line hereditaments) by substituting one designated person for another with effect from 1st April 2013. The result of this is that the long-distance pipe-line hereditaments occupied, or if not occupied, owned by that person on or after that date will appear on the central rating list.

5. Territorial Extent and Application

¹ A hereditament is the unit of property which is the subject of rating. The statutory definition can be found in section 64 of the Local Government Finance Act 1988.

This instrument applies in England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The long-distance pipeline formally owned by Total UK Ltd was transferred to Total Lindsey Oil Refinery Limited on 1st April 2013. This amendment is necessary to ensure that the pipe-line remains on the central list.

- *Consolidation*

7.2 Whilst the Central Rating List Regulations have been amended on a number of previous occasions in the most part they remain unchanged. The Department does not, therefore, intend to consolidate the 2005 Regulations.

8. Consultation outcome

8.1 There was no general consultation as the changes relate only to 2 ratepayers.

9. Guidance

9.1 No guidance is required as the amendment does not alter the rating system.

10. Impact

10.1 There is no impact on business except to the extent that the amendments ensure that the pipeline in question remains on the central list. The amount of rates payable by the ratepayer is unaffected.

10.2 There is no impact on charities or voluntary bodies.

10.3 There is no impact on the public sector.

10.4 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 There are no plans to monitor or review the names of designated businesses for the central list, apart from when a change in trading name or occupier requires a further alteration.

13. Contact

Nick Cooper at the Department for Communities and Local Government Tel: 0303 44 43610 or email: nick.cooper@communities.gsi.gov.uk can answer any queries regarding the instrument.