

2022 No. 1083

RATING AND VALUATION, ENGLAND

**The Central Rating List and Telecommunications Apparatus
(England) (Amendment) Regulations 2022**

<i>Made</i>	- - - -	<i>24th October 2022</i>
<i>Laid before Parliament</i>		<i>26th October 2022</i>
<i>Coming into force</i>		<i>1st April 2023</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 53(1), 64(3) and 143(1) of the Local Government Finance Act 1988(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Central Rating List and Telecommunications Apparatus (England) (Amendment) Regulations 2022 and come into force on 1st April 2023.

(2) These Regulations extend to England and Wales.

Amendment of the Central Rating List (England) Regulations 2005

2.—(1) The Central Rating List (England) Regulations 2005(b) are amended as follows.

(2) In regulation 1 (citation, application, commencement and interpretation), in paragraph (2), at the end insert—

““subsidiary” has the meaning given by section 1159 of the Companies Act 2006(c).”.

(3) In regulation 6 (railway hereditaments)—

(a) in paragraph (1), for “Network Rail Infrastructure Limited” substitute “either Network Rail Infrastructure Limited or the company bearing the name HS1 Limited on 1st May 2022”;

(b) in paragraph (3)(a)(i), for “Network Rail Infrastructure Limited” substitute “the persons mentioned in paragraph (1)”.

(4) In regulation 8 (communications hereditaments)—

(a) in paragraph (2), for “Where” substitute “Subject to paragraph (2A), where”;

(b) after paragraph (2) insert—

“(2A) Paragraph (2) does not apply to a hereditament which is either—

(a) wholly or mainly a tower or mast, or

(b) part of a tower or mast.”.

(a) 1988 c. 41. Section 53(1) was amended by paragraph 29 of Schedule 5 to the Local Government and Housing Act 1989 (c. 42).

(b) S.I. 2005/551; relevant amending instruments are S.I. 2005/3050, 2008/429, 2010/2692, 2011/2743, 2019/700.

(c) 2006 c. 46.

(5) In regulation 9 (national and regional gas transportation hereditaments), in paragraph (5) omit the definition of “subsidiary” and the “and” which precedes it.

(6) In regulation 11 (gas meter hereditaments), in paragraph (4) omit sub-paragraph (c) and the “and” which precedes it.

(7) In the Schedule—

(a) in Part 1 (railway hereditaments), in the column headed “Designated person” and below “Network Rail Infrastructure Limited” insert “The company bearing the name HS1 Limited on 1st May 2022”;

(b) in Part 3 (communications hereditaments), in the column headed “Designated person”, below “The company bearing the name London Internet Exchange Limited on 1st September 2011” insert—

“The company bearing the name CityFibre Limited on 1st May 2022

The company bearing the name Gamma Telecom Holdings Limited on 1st May 2022

The company bearing the name GCI Network Solutions Limited on 1st May 2022

The company bearing the name Hutchison 3G UK Limited on 1st May 2022

The company bearing the name Interoute Networks Limited on 1st May 2022

The company bearing the name Neos Networks Limited on 1st May 2022

The company bearing the name Tata Communications (UK) Limited on 1st May 2022

The company bearing the name Verizon UK Limited on 1st May 2022

The company bearing the name VMED O2 UK Holdings Limited on 1st May 2022 and each of its subsidiaries existing on that date

The company bearing the name Vodafone Limited on 1st May 2022

The company bearing the name WPD Telecoms Limited on 1st May 2022

The company bearing the name Zayo Group UK Limited on 1st May 2022”.

Amendment of the Non-Domestic Rating (Telecommunications Apparatus) (England) Regulations 2000

3.—(1) In regulation 2 of the Non-Domestic Rating (Telecommunications Apparatus) (England) Regulations 2000 (interpretation)(a), in the definition of “excepted apparatus”, after “rating list” insert “including British Telecommunications plc but excluding any other person specified in Part 3 of the Schedule to the Central Rating List (England) Regulations 2005”.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

24th October 2022

Andrew Stephenson
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and Communities

(a) S.I. 2000/2421.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Central Rating List (England) Regulations 2005 (S.I. 2005/551) (the “2005 Regulations”) and the Non-Domestic Rating (Telecommunications Apparatus) (England) Regulations 2000 (S.I. 2000/2421) (the “2000 Regulations”).

Under sections 53, 64(3) and 65(4) of the Local Government Finance Act 1988 (c. 41), the 2005 Regulations prescribe the hereditaments which are to be listed on central non-domestic rating lists for England compiled on or after 1st April 2005, and designate the persons who will be considered to be occupying or, if the hereditament is unoccupied, to own those hereditaments for the purposes of rating (“designated persons”). The Schedule to the 2005 Regulations lists all designated persons and sets out the description of hereditament prescribed in relation to each of them.

Regulation 2(2) amends regulation 1 of the 2005 Regulations (citation, application, commencement and interpretation) to insert the definition of a “subsidiary”. Regulation 2(5) and (6) omit the separate definitions of “subsidiary” from regulations 9 and 11 of the 2005 Regulations.

Regulation 2(3) amends regulation 6 of the 2005 Regulations (railway hereditaments) to extend the provision in paragraph (1) to certain hereditaments owned, occupied, let or licenced by HS1 Limited.

Regulation 2(4) amends regulation 8 of the 2005 Regulations (communications hereditaments) to exclude hereditaments which are wholly or mainly a tower or a mast – or part of a tower or mast – from the provision in paragraph (2) of that regulation. This is to exclude certain hereditaments related to mobile telecommunications from the central non-domestic rating list for England.

Regulation 2(7)(a) amends Part 1 of the Schedule to the 2005 Regulations (railway hereditaments) to insert HS1 Limited to the list of designated persons.

Regulation 2(7)(b) amends Part 3 of the Schedule to the 2005 Regulations (communications hereditaments) to insert new companies – which are connected to the provision of fixed line telecommunication networks – to the list of designated persons.

Regulation 3(2) amends regulation 2 of the 2000 Regulations to limit the meaning of “excepted apparatus”. This is to allow certain apparatus related to mobile telecommunications to continue to fall within the provision in regulation 3(1) of the 2000 Regulations (treatment of telecommunications apparatus).

An impact assessment has not been produced for this instrument because it amends an existing local tax regime. Publication of a full impact assessment is not necessary for such legislation.

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