WELSH STATUTORY INSTRUMENTS

2008 No. 2671 (W.235)

RATING AND VALUATION, WALES

The Non-Domestic Rating (Communications Hereditaments) (Valuation, Alteration of Lists and Appeals and Material Day) (Wales) Regulations 2008

Made - - - -	*6 October 2008*
Laid before the National Assembly for Wales - -	*8 October 2008*
Coming into force - -	*31 October 2008*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 55(2), (4) and (6), 143(1) and (2) and 146(6) of, and paragraph 2(6A) and (8) of Schedule 6 to, the Local Government Finance Act 1988(**1**) and now vested in the Welsh Ministers(**2**).

PART 1

Preliminary

Title, application and commencement

1.—(1) The title of these Regulations is The Non-Domestic Rating (Communications Hereditaments) (Valuation, Alteration of Lists and Appeals and Material Day) (Wales) Regulations 2008.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 31 October 2008.

Interpretation

2. In these Regulations—

(**1**) 1988 c. 41. Section 55(4) and paragraph 2(8) of Schedule 6 were amended, and paragraph 2(6A) of Schedule 6 was inserted, by paragraphs 30(2), 38(8) and 38(6) respectively of Schedule 5 to the Local Government and Housing Act 1989 (c. 42).

(**2**) The powers of the Secretary of State were transferred, 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. The functions of the National Assembly for Wales were transferred to the Welsh Ministers under section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

"1988 Act" ("*Deddf 1988*") means the Local Government Finance Act 1988;

"ALA Regulations" ("*Rheoliadau NRhA*") means the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005(**3**);

"BT" means British Telecommunications plc;

"Central List Regulations" ("*Rheoliadau Rhestr Ganolog*") means the Central Rating List (Wales) Regulations 2005(**4**);

"fully unbundled local loop" ("*dolen leol a ddadfwndelwyd yn llawn*") means an unbundled local loop which BT has let or licensed to any person for all uses that comprise the monitoring, processing or transmission of communications or other signals for the provision of electronic communications services;

"the hereditament" ("*yr hereditament*") means the hereditament described in regulation 8(1) of the Central List Regulations; and

"unbundled local loop" ("*dolen leol a ddadfwndelwyd*") has the meaning given by regulation 8(5) of the Central List Regulations.

PART 2

Valuation

Valuation of certain communications hereditaments

3. The letting or licensing by BT to any person of a fully unbundled local loop is to be assumed for the purpose of valuing the hereditament pursuant to paragraph 2(5) or (6) of Schedule 6 to the 1988 Act (non-domestic rating: valuation) to be a matter affecting the physical state or physical enjoyment of the hereditament.

PART 3

Alteration of Lists and Appeals

Material change of circumstances

4.—(1) A proposal to alter the rateable value shown for the hereditament in a central rating list compiled on or after 1 April 2005 may be made under regulation 4(1)(b) (circumstances in which proposals may be made) and Part 3 (alteration of central rating lists) of the ALA Regulations as a consequence of the letting or licensing of a fully unbundled local loop by BT to any person.

(2) In relation to such a proposal, regulation 4(1)(b) of the ALA Regulations is to have effect as if "material change of circumstances" included the matter assumed by regulation 3 of these Regulations to affect the hereditament's physical state or the physical enjoyment of it for the purpose of valuing it pursuant to paragraph 2(5) or (6) of Schedule 6 to the 1988 Act.

Modification of regulation 6 of the ALA Regulations

5. Where a proposal is made pursuant to regulation 4(1), regulation 6(1)(e)(ii) of the ALA Regulations is to have effect as if it also required the inclusion of a statement specifying the number

(**3**) S.I. 2005/758(W.63), to which there are amendments not relevant to these Regulations.
(**4**) S.I. 2005/422(W40), amended by S.I. 2008/2671 (W.235); there are other amending instruments but none is relevant.