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WELSH STATUTORY INSTRUMENTS

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**2005 No. 422 (W.40)**

**RATING AND VALUATION, WALES**

**The Central Rating List (Wales) Regulations 2005**

*Made - - - - 1 March 2005*

*Coming into force in accordance with regulation 1(1)*

The National Assembly for Wales (“the National Assembly”), in exercise of the powers conferred on the Secretary of State by sections 53(1), (2), (4), (4A) and (5), 64(3), 65(4) and 143(1) and (2) of the Local Government Finance Act 1988(1), and now exercisable by the National Assembly in relation to Wales, hereby make the following Regulations:

**Name, commencement and application**

1.—(1) These Regulations are called the Central Rating (Wales) Regulations 2005 and come into force on —

- (a) for all purposes other than those of regulation 17, on 31 March 2005, and
- (b) for the purposes of regulation 17, on 1 April 2005.

(2) These Regulations apply only in relation to Wales.

**Interpretation**

2.—(1) In these Regulations, except in regulation 17 —

“the Act” means the Local Government Finance Act 1988;

“designated person” in relation to a central list compiled on or after 1 April 2005 means a person designated by regulation 4(1);

“office premises” means any hereditament constructed or adapted as offices or for office purposes, or used wholly or mainly for such purposes;

“office purposes” includes the purposes of administration and clerical work and handling money; and “clerical work” includes writing, book-keeping, typing, filing, duplicating, sorting papers or information, calculating (whether by manual, mechanical or electronic means), drawing, and the editorial preparation of matter for publication; and

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(1) 1988 c. 41. The functions of the Secretary of State under section 53(1), (2), (4), (4A) and (5), 63(3), 65(4), 143(1) and (2) of the Local Government Finance Act 1988 are, so far as exercisable in relation to Wales, transferred, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

“operational land”, in relation to a designated person, means land which is used for the purposes of carrying on that person’s undertaking, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used for the purposes of carrying on of statutory undertakings (within the meaning of the Town and Country Planning Act 1990(2)).

- (2) Any reference in these Regulations to —
- (a) a central list is to the central non-domestic rating list for Wales;
  - (b) a hereditament is to a relevant non-domestic hereditament;
  - (c) a designated person by name is , unless the context otherwise requires, a reference to the company or body registered by or bearing that name on 1 October 2004; and
  - (d) hereditaments used for any purpose includes a reference to hereditaments which are unused but in relation to which it appears that when next in use they will be used for such a purpose.

### **Effect**

3. Except for regulation 17, these Regulations will have effect in relation to a central list compiled on or after 1 April 2005.

### **Designation of persons and description of hereditaments**

- 4.—(1) For the purposes of section 53(1) of the Act—
- (a) there are designated the persons named in the Schedule; and
  - (b) there is prescribed in relation to each such person the description of hereditament set out opposite the name of that person in the Schedule.

(2) Regulation 6 of the Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989(3) (cross-boundary hereditaments) will not apply to any hereditament falling within any description in the Schedule.

### **Content of central rating lists-names and hereditaments**

5. A central list must show, for each day in each year for which that list is in force—
- (a) the name of each person designated by regulation 4; and
  - (b) against each name, each hereditament situated in Wales which on the day concerned is occupied (or, if unoccupied, owned) by that person, and which falls within the description prescribed in relation to that person by that regulation.

### **Content of central rating lists-other information**

- 6.—(1) A central list must also show, against the name of each designated person—
- (a) where the person is a company registered in England and Wales, its registered office, and in any other case the person’s principal place of business within the United Kingdom;
  - (b) where the person is a registered company, its registered number; and
  - (c) the first day, if later than 1 April 2005, for which the rateable value shown in the list against the name of the designated person has effect.

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(2) 1990 c. 8. Relevant amendments made by section 76 of the Utilities Act 2000 (c. 27).

(3) S.I. 1989/1060. Amended by S.I. 1993/616.

(2) A central list must also show, where the list has been altered in pursuance of a direction by a tribunal, the name of the tribunal which gave the direction.

### **Railway hereditaments**

7.—(1) Where Network Rail Infrastructure Limited, which is a designated person by virtue of being listed in Part 1 of the Schedule—

- (a) occupies or, if it is unoccupied, owns any hereditament; or
- (b) lets or licenses a hereditament to—
  - (i) a licence holder or a licence exempt holder and the lessee, licensee or the British Transport Police Authority occupies, or, if unoccupied, owns the hereditament; or
  - (ii) the British Transport Police Authority and it occupies, or, if unoccupied, owns the hereditament,

and if, apart from these Regulations, those hereditaments would be more than one hereditament and provided each separate hereditament satisfies the conditions in paragraph (2) those separate hereditaments will be treated as one hereditament.

(2) The conditions mentioned in paragraph (1) are that the hereditament is —

- (a) used wholly or mainly for railway purposes; and
- (b) not comprised in an excepted hereditament.

(3) In this regulation—

“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, where those premises are not situated on the operational land of—
  - (i) any person designated by regulation 4 and named in Part 1 of the Schedule;
  - (ii) a licence exempt operator or licence holder;
- (c) premises or rights so let out as to be capable of separate assessment, other than those falling within paragraph (1)(b); or
- (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—
  - (i) the carriage of goods or passengers by road transport or sea transport; or
  - (ii) harbours,or for purposes incidental to such purposes;

“licence exempt operator” and “licence holder” have the meanings given by section 10(6) and 83(1) respectively of the Railways Act 1993(4); and

“railway purposes” means the purposes of providing railway services, within the meaning given by section 82(1) of the Railways Act 1993, or for purposes ancillary to those purposes (including the purposes of providing policing services or the exhibiting advertisements).

(4) The hereditament described in paragraph (1) will be treated as occupied by the designated person.

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(4) 1993 c. 43.

### Communications hereditaments

8.—(1) Where a company which is a designated person by virtue of being listed in Part 2 of the Schedule occupies or, if it is unoccupied, owns any hereditament which comprises posts, wires, fibres, cables, ducts, telephone kiosks, towers, masts, switching equipment, or other equipment, or easements or wayleaves, being property used for the monitoring, processing or transmission of communications 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 will be treated as one hereditament.

(2) The hereditament described in paragraph (1) will be treated as occupied by the designated person.

### National and regional gas hereditaments

9.—(1) Where Transco, which is a designated person by virtue of being listed in Part 3 of the Schedule occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those separate hereditaments satisfies the conditions set out in paragraph (4), those hereditaments will be treated as one hereditament.

(2) Subject to paragraph (3), where a company which is a designated person by virtue of being listed in Part 3 of the Schedule occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those separate hereditaments satisfies the conditions set out in paragraph (4), those hereditaments will be treated as one hereditament.

(3) Paragraph (2) will not apply where the hereditament is occupied or if unoccupied, owned by Transco.

(4) The conditions are that each of the separate hereditaments is—

- (a) used wholly or mainly for the purposes of the designated person acting as a gas transporter; and
- (b) not an excepted hereditament.

(5) In this regulation and in Part 3—

“excepted hereditament” means—

- (a) a hereditament to which regulation 11 applies; and
- (b) a hereditament consisting of or comprising premises used wholly or mainly—
  - (i) as office premises, where those premises are not situated on operational land of the designated person;
  - (ii) for the manufacture of plant or gas fittings;
  - (iii) as storage facilities, being underground storage cavities, liquefied natural gas storage facilities and facilities used or available for use in connection with off-shore storage; or
  - (iv) for more than one of the foregoing purposes; and

“gas transporter” has the meaning given by section 7 of the Gas Act 1986<sup>(5)</sup>;

“Transco” means Transco plc and each subsidiary of National Grid Transco plc existing on 1 March 2005; and

“subsidiary” has the meaning given by section 736 of the Companies Act 1985<sup>(6)</sup>.

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<sup>(5)</sup> 1986 c. 44. Relevant amendments made by section 76 of the Utilities Act 2000 (c. 27.).

<sup>(6)</sup> 1985 c. 6. Substituted, together with section 736A, for section 736 as originally enacted, by section 144(1) of the Companies Act 1989 (c. 40.)

(6) The hereditament described in paragraph (1) and (2) will be treated as occupied by the designated person.

### **Local gas transportation hereditaments**

**10.**—(1) Where a company which is a designated person by virtue of being listed in Part 4 of the Schedule occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those separate hereditaments satisfies the conditions set out in paragraph (2), those hereditaments will be treated as one hereditament.

(2) The conditions are that each of the separate hereditaments is—

- (a) used wholly or mainly for the purposes of the designated person acting as a gas transporter; and
- (b) not an excepted hereditament.

(3) In paragraph (2)—

“excepted hereditament” means a hereditament consisting of or comprising premises used wholly or mainly as office premises, where those premises are not situated on operational land of the designated person; and

“gas transporter” has the meaning given by regulation 9.

(4) The hereditament described in paragraph (1) shall be treated as occupied by the designated person.

### **Gas meter hereditaments**

**11.**—(1) Where—

- (a) Transco, which is a designated person by virtue of being listed in Part 5 of the Schedule; or
- (b) any other person,

occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those separate hereditaments is a gas meter attached to the end of the gas pipeline of Transco, those hereditaments will be treated as one hereditament.

(2) Subject to paragraph (3), where—

- (a) a company which is a designated person by virtue of being listed in Part 5 of the Schedule; or
- (b) any other person,

occupies or, if it is unoccupied, owns what would, apart from these Regulations, be more than one hereditament and each of those separate hereditaments is a gas meter attached to the gas pipeline of the company, those hereditaments will be treated as one hereditament.

(3) Paragraph (2) will not apply where the hereditament to which the meter is attached is occupied or if unoccupied, owned by Transco.

(4) In this regulation and Part 5 —

- (a) “gas pipeline” means a hereditament described in regulation 9(1) or (2);
- (b) “Transco” means Transco plc and each subsidiary of National Grid Transco plc existing 1 March 2005; and
- (c) “subsidiary” has the meaning given by section 736 of the Companies Act 1985.

(5) The hereditaments described in paragraphs (1) and (2) will be treated as occupied by the designated person.