STATUTORY RULES OF NORTHERN IRELAND

# 2010 No. 431

# RATES

## Valuation (Telecommunications, Natural Gas and Water) Regulations (Northern Ireland) 2010

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| *Made - - - -* | *29th December 2010* |
| *Coming into operation* | *31st January 2011* |

The Department of Finance and Personnel makes the following Regulations in exercise of the powers conferred by Article 37(4) and (5) of, and paragraph 5 of Part 1 of Schedule 12 to, the Rates (Northern Ireland) Order 1977(**1**).

### Citation and commencement

**1.** These Regulations may be cited as the Valuation (Telecommunications, Natural Gas and Water) Regulations (Northern Ireland) 2010 and shall come into operation on 31st January 2011.

### Interpretation

**2.**—(1) Any reference in these Regulations to hereditaments used for any purpose includes a reference to hereditaments which are unused but in relation to which it appears that when next used they will be used for such a purpose.

(2) Any reference in these Regulations to a company by name is a reference to that company registered by or bearing that name at the date its name is entered in the NAV list.

### Telecommunications hereditaments

**3.**—(1) Where—

(a) British Telecommunications plc. occupies, or if it is unoccupied, owns any hereditament which comprises posts, wires, fibres, cables, ducts, telephone kiosks, masts, towers, 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; or

(**1**) S.I. 1977/2157 (N.I. 28); paragraph (4) of Article 37 was substituted by Article 6(1) of the Rates (Amendment) (Northern Ireland) Order 1996 (S.I. 1996/3162 (N.I. 25)); paragraph (5) of Article 37 was inserted by section 17 of, and paragraph 3 of Schedule 1 to, the Rates (Amendment) Act (Northern Ireland) 2009 (2009 c. 8 (N.I.)); and in Schedule 12 in Part I, paragraph 5 was inserted by Article 12(a) of the Rates (Amendment) (Northern Ireland) Order 1996 (S.I. 1996/3162 (N.I. 25)).

(b) any person occupies, or if it is unoccupied, owns any hereditament which is an unbundled local loop,

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

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

(3) The hereditament described in paragraph (1) shall be treated as occupied by British Telecommunications plc.

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

(5) The letting or licensing by British Telecommunications plc. to any person of a fully unbundled local loop is to be assumed, for the purpose of valuing the hereditament described in paragraph (1) pursuant to Part III of the Rates (Northern Ireland) Order 1977, to be a matter affecting the physical state or physical enjoyment of the hereditament.

(6) In this regulation—

"fully unbundled local loop" means an unbundled local loop which British Telecommunications plc. 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; and

"unbundled local loop" means—

(a) cables, fibres, wires and conductors (or any part of them) used or intended to be used for carrying communications or other signals between the network terminating equipment on the premises of end users and premises (or any part of them) used for the processing of communications or other signals, and land occupied therewith; and

(b) poles, posts, towers, masts, mast radiators, pipes, ducts, conduits and any associated supports and foundations (or any part of them) used or intended to be used in connection with any of the items listed in paragraph (a), and land occupied therewith,

which British Telecommunications plc. has let or licensed to any person.

**Gas transportation hereditaments**

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

(2) The conditions are that each of the 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 this regulation—