WELSH STATUTORY INSTRUMENTS

2008 No. 2672 (W. 236)

RATING AND VALUATION, WALES

The Central Rating List (Wales) (Amendment) Regulations 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Central Rating List (Wales) Regulations 2005 ("the 2005 Regulations").

Under Sections 53, 64(3) and 65(4) of the Local Government Finance Act 1988 ("the Act"), the 2005 Regulations prescribe the hereditaments which are to be listed on central non-domestic rating lists for Wales compiled on or after 1 April 2005 and designate the persons who will be considered to be in occupation or, if unoccupied, have ownership of those hereditaments for the purposes of rating.

Regulation 8 of the 2005 Regulations is concerned with communications hereditaments and provides for the communication hereditaments of the relevant person designated under regulation 4 to be treated as a single hereditament.

These Regulations specify that British Telecommunications plc ("BT") are to be treated as in occupation of a single hereditament comprising property which it occupies or owns, such as telephone kiosks and masts, and all unbundled local loops. An unbundled local loop exists where the copper wire connection between the local telephone exchange and the customer's premises is disconnected from BT's network and connected to an alternative service provider's network.

Section 53(4) of 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 regulations are made. Pursuant to that power, regulation 2 of these Regulations makes BT liable for unbundled local loops with effect from 1 April 2005.

A regulatory impact assessment has been prepared in connection with these Regulations. A copy can be obtained at http:www.assemblywales.org/bus-home/buslegislation/bus-legislation-sub.

WELSH STATUTORY INSTRUMENTS

2008 No. 2672 (W. 236)

RATING AND VALUATION, WALES

The Central Rating List (Wales) (Amendment) Regulations 2008

Made *6 October 2008*

Laid before the National Assembly for Wales

8 October 2008

Coming into force *30 October 2008*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 53(1), (2), (4) and (4A), 64(3), 65(4), 143(1) and (2) and 146(6) of the Local Government Finance Act 1988(**1**) and now vested in the Welsh Ministers(**2**).

Title, application and commencement

1.—(1) The title of these Regulations is The Central Rating List (Wales) (Amendment) Regulations 2008.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 30 October 2008 but the amendments set out in Regulation 2 have effect from 1 April 2005.

Amendment of the Central Rating List (Wales) Regulations 2005

2. The Central Rating List (Wales) Regulations 2005 are amended as follows—

(**1**) 1988 c.41.

(**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* 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).

(a) for Regulation 8 substitute—

"**8.**—(1) Where—

(a) British Telecommunications plc 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 or other signals for the provision of electronic communications services;

(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 are to be treated as one hereditament.

(2) 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 or other signals for the provision of electronic communications services, and which would, apart from these Regulations, be more than one hereditament, those hereditaments are to be treated as one hereditament.

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

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

(5) In paragraph (1) "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 the 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 sub-paragraph (a), and any land occupied therewith,

which British Telecommunications plc lets or licenses to any person.".

Brian Gibbons

Minister for Social Justice and Local Government, one of the Welsh Ministers

6/10/08