

2010 No. 431

RATES

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

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(a).

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
- (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.

(a) 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)).

(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—

“gas transporter” means a person who holds a licence granted under Article 8(1)(a) of the Gas (Northern Ireland) Order 1996(a);

“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.

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

(a) S.I. 1996/275 (N.I. 2)

Amendment

5. In regulation 3 of the Valuation (Water Undertaking) Regulations (Northern Ireland) 2008(a) there shall be added at the end the following paragraph—

“(4) The hereditament described in paragraph (1) shall be treated as occupied by Northern Ireland Water Limited.”.

Revocation

6. The Valuation (Telecommunications) Regulations (Northern Ireland) 2003(b) and the Valuation (Natural Gas Undertaking) Regulations (Northern Ireland) 2004(c) are revoked.

Sealed with the Official Seal of the Department of Finance and Personnel on 29th December 2010



Brian McClure

A senior officer of the Department of Finance and Personnel

(a) S.R. 2008 No. 226
(b) S.R. 2003 No. 93
(c) S.R. 2004 No. 462

SCHEDULE

PART 1

Regulation 3

Telecommunication hereditaments

Company name

Cable & Wireless UK Ltd.

Mercury Communications Limited

Virgin Media Limited

PART 2

Regulation 4

Gas transportation hereditaments

Company name

Belfast Gas Transmission Ltd.

BGE (UK) Ltd.

Firmus Energy (Distribution) Ltd.

Phoenix Natural Gas Limited - Distribution

Premier Transmission Limited

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations—

- (a) provide that—
 - (i) certain hereditaments occupied or owned by British Telecommunications plc. (“BT”) and used for telecommunication services; and
 - (ii) unbundled local loops which BT lets or licenses to another person, shall, for the purposes of the Rates (Northern Ireland) Order 1977 (“the 1977 Order”), be treated as a single hereditament occupied by BT;
- (b) provide that the letting or licensing by BT of a fully unbundled local loop is to be assumed, for the purposes of valuing the single hereditament occupied by BT, to be a matter affecting the physical state or physical enjoyment of the hereditament;
- (c) provide that certain hereditaments of any company listed in the Schedule shall, for the purposes of the 1977 Order, be treated as a single hereditament occupied by that company;
- (d) make a minor amendment to the Valuation (Water Undertaking) Regulations (Northern Ireland) 2008; and
- (e) revoke the Valuation (Telecommunications) Regulations (Northern Ireland) 2003 and the Valuation (Natural Gas Undertaking) Regulations (Northern Ireland) 2004.

An unbundled local loop exists when the copper wire connection between a local telephone exchange and a customer’s premises is let or licensed to an alternative service provider for the provision to a customer of electronic communication services. A fully unbundled loop exists when that copper wire connection is wholly disconnected from BT’s network and connected to an alternative service provider’s network for the provision of all electronic communication services to a customer’s premises.

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