

2010 No. 2692

RATING AND VALUATION, ENGLAND

**The Central Rating List (England) (Amendment) (No. 2)
Regulations 2010**

Made - - - - *4th November 2010*

Laid before Parliament *11th November 2010*

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by sections 53(1), (2) and (4), 64(3), 65(4) and 143(1) and (2) of the Local Government Finance Act 1988(a), makes the following Regulations:

Application, citation and commencement

1. These Regulations, which apply to England only, may be cited as the Central Rating List (England) (Amendment) (No. 2) Regulations 2010 and shall come into force—

- (a) for all purposes other than those of regulation 2(3), on 17th December 2010, and
- (b) for the purposes of regulation 2(3), with effect from 1st April 2010.

Amendment of the Central Rating List (England) Regulations 2005

2.—(1) The Central Rating List (England) Regulations 2005(b) are amended as follows.

(2) In Part 3 of the Schedule (Communication Hereditaments), in the column headed “Designated Person”, below the words “Energis Communications Limited” insert—

“The company bearing the name Exponential-e Limited on 1st September 2010

The company bearing the name Easynet Telecommunications Limited on 1st September 2010

The company bearing the name Cogent Communications UK Limited on 1st September 2010

The company bearing the name Level 3 Communications Limited on 1st September 2010

The company bearing the name Sohonet Limited on 1st September 2010

(a) 1988 c.41. Section 53 was amended by paragraph 29 of Schedule 5 to the Local Government and Housing Act 1989 (c.42). These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of 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. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.

(b) S.I. 2005/551, amended by S.I. 2008/429 and S.I. 2010/456. There are other amending instruments but none is relevant.

The company bearing the name Colt Technology Services Group Limited on 1st September 2010

The company bearing the name T.M.I. Telemedia International Limited on 1st September 2010”.

(3) In Part 12 of the Schedule (long distance pipe-line hereditaments), in the column headed “Designated Person” for the words “Total Downstream UK Plc” substitute “with effect from 1st April 2010, the company bearing the name Total UK Ltd on that date”.

Amendment of the Non-Domestic Rating (Communications and Light Railways) (England) Regulations 2005

3.—(1) The Non-Domestic Rating (Communications and Light Railways) (England) Regulations 2005(a) are amended as follows.

(2) In Part 1 of the Schedule (Communications Hereditaments), delete the entries relating to “Colt Telecom Group Plc”, “Easynet Telecommunications Limited” and “Level 3 Communications Ltd”.

Signed by authority of the Secretary of State for Communities and Local Government

Robert Neill

Parliamentary Under Secretary of State

Department for Communities and Local Government

4th November 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Central Rating List (England) Regulations 2005 (“the Central Rating List Regulations”) and the Non-Domestic Rating (Communications and Light Railways) (England) Regulations 2005 (“the Communications and Light Railways 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 England compiled on or after 1st April 2005 and designate the persons who will be considered to be occupying or, if the hereditament is unoccupied, owning those hereditaments for the purposes of rating (“designated persons”). The Schedule to the Central Rating List Regulations lists all designated persons and sets out the description of hereditament prescribed in relation to each of them.

Regulation 2(2) of these Regulations amends Part 3 of the Schedule (Communications hereditaments) by adding, with effect from the date these Regulations come into force, seven companies (“the companies concerned”) to the list of designated persons in relation to which the hereditaments described in regulation 8(2) of the Central Rating List Regulations are prescribed. The name of each of the companies concerned is referenced to a specific date – 1st September 2010. This is because regulation 1(3)(c) of the Central Rating List Regulations fixes references to company names to 1st October 2004 “unless the context otherwise requires” and so it has to be made clear that the names of the companies being added are linked to a different date. This will ensure that any company name change taking place after 1st September 2010 does not change the effect of these Regulations in relation to that company.

Pursuant to provision made in regulation 3 of the Communications and Light Railways Regulations, the communications hereditaments occupied by some of the companies concerned are currently listed in certain local rating lists as specified in Part 1 of the Schedule to those regulations (communications hereditaments). Regulation 3 of these regulations amends Part 1 of

(a) S.I. 2005/549.

the Schedule to the Communications and Light Railways Regulations to delete the entries for those companies.

Regulation 2(3) makes amendments concerned with designated persons in Part 12 (long distance pipe-line hereditaments) of the Schedule to the Central List Regulations to reflect a change in occupation of a long distance pipe-line hereditament.

Section 53(4) of the Act provides that amending regulations altering the designated person in relation to a description of hereditament may have effect from a date earlier than that on which the amending regulations are made. Pursuant to that power, the company added to the list by regulation 2(3) is added with effect from the first day of the current financial year - 1st April 2010.

A full impact assessment had not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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