RATES (CAPITAL VALUES, ETC.) (NORTHERN IRELAND) ORDER 2006

S.I. 2006 611

EXPLANATORY MEMORANDUM

COMMENTARY ON ARTICLES

Part Iii - Reliefs

***Article 9*: Increased reduction of rates for certain hereditaments used for recreation**

36. This Article provides for an increase in the current level of relief available to amateur sporting organisations from 65% to 80%.

***Article 10*: Repayment and recovery of hardship relief**

37. This Article amends Article 33B of the principal Order to give the Department a power to repay rates where the conditions for hardship relief are satisfied. It also provides a power to allow the Department to recover rates where EU State Aid limits have been exceeded.

***Article 11* and *Schedule 3*: Certain hereditaments to be wholly exempt from rates**

38. This Article inserts a new Article 41A and a new Schedule 13A into the principal Order.

39. Paragraph (1) of Article 41A provides for any property, subject to paragraphs 2(a) and (b), occupied by a body to be distinguished in the valuation list as wholly exempt from rates if that body is listed in Schedule 13A to the principal Order or is a member of, or affiliated to, a body listed in that Schedule.

40. Paragraph (2)(a) of Article 41A sets out the criteria to be applied for eligibility for distinguishment under paragraph (1), i.e. the use, or availability for use, of the property to a substantial extent for purposes declared to be, or which are, charitable and where charges are not more than necessary to defray reasonable expenses. Paragraph (2)(b) sets out those properties that are not eligible to be distinguished in the valuation list as exempt from rates under this Article.

41. Paragraph (3) of Article 41A gives effect to Schedule 13A to the principal Order.

42. Paragraph (4) of Article 41A gives the Department the power to amend Schedule 13A to the principal Order by order subject to affirmative resolution by the Northern Ireland Assembly.

***Article 12*: Repeal of *Article 41(2)(f)* of the principal Order with savings, etc.**

43. Paragraph (1) provides that Article 41(2)(f) of the principal Order, which provides exemption for certain hereditaments used to an extent of not less than 10% for certain charitable purposes, will cease to have effect.

44. Paragraph (2) provides for a property which does not qualify under Article 41A(1) but was distinguished in the valuation list as partially exempt before the date this Article commences to continue to be so distinguished to the same extent after that date while it remains occupied by the same body.

45. Paragraph (3) allows the Commissioner or district valuer to distinguish a property that does not qualify under Article 41A(1) as partially exempt after the date this Article commences, where satisfied that it should have been so distinguished before that date and while it remains occupied by the same body.

46. Paragraphs (4) and (5) provide for a replacement property, which would not qualify under Article 41A(1), to continue to be distinguished to the same extent provided it is occupied by the same body.

47. Paragraph (6) applies the references in Article 41(9) to this Article. Paragraphs (7) and (8) make detailed amendments in the principal Order consequential to the provisions of this Article.