

2003 No. 143

RATES

Rates (Transitional Relief) Order (Northern Ireland) 2003

Made - - - - - *6th March 2003*

Coming into operation *1st April 2003*

The Department of Finance and Personnel^(a), in exercise of the powers conferred on it by Articles 2(2)^(b) and 33A of the Rates (Northern Ireland) Order 1977^(c) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Rates (Transitional Relief) Order (Northern Ireland) 2003 and shall come into operation on 1st April 2003.

(2) In this Order –

“the 1977 Order” means the Rates (Northern Ireland) Order 1977;

“base amount” in relation to a relevant year means the sum chargeable in respect of rates in respect of a specified hereditament or, as the case may be, part thereof, in that year if the new valuation list had not come into force;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975^(d);

“new valuation list” means the valuation list coming into force on 1st April 2003;

“private garage” and “private storage premises” have the same meanings as in Article 27(6)^(e) of the 1977 Order;

“private hereditament” means a dwelling-house, private garage or private storage premises;

“relevant year” means a year which is mentioned in Article 5;

“specified hereditament” means a hereditament other than a private hereditament and a hereditament which is not in use shall be treated as a private hereditament if it appears that, when next in use, it will be a hereditament of that description; and

“unadjusted amount” in relation to a relevant year means the sum chargeable in respect of rates in respect of a specified hereditament or, as the case may be, part thereof, for that year apart from this Order.

(a) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Article 3

(b) *See* the definition of “the Department”

(c) S.I. 1977/2157 (N.I. 28); Article 33A was inserted by Article 5 of the Rates (Amendment) (Northern Ireland) Order 1996 (S.I. 1996/3162 (N.I. 25))

(d) 1975 c. 26

(e) The definitions of “private garage” and “private storage premises” were inserted in Article 27(6) by Article 5(6) of the Local Government, Planning and Land (Northern Ireland) Order 1981 (S.I. 1981/437 (N.I. 13))

Application of Order

2.—(1) Subject to paragraphs (2) and (3) and Article 3, this Order applies to any specified hereditament to which a net annual value not exceeding £12,500 is ascribed –

- (a) in the new valuation list on 1st April 2003; or
- (b) as a consequence of a reduction in the net annual value first ascribed to it in the new valuation list, other than a reduction arising from an alteration in the hereditament.

(2) Where a specified hereditament is used partly for the purposes of a private dwelling, this Order applies to that part of the hereditament which is not so used and to which a net annual value not exceeding £12,500 is ascribed –

- (a) in the new valuation list on 1st April 2003; or
- (b) as a consequence of a reduction in the net annual value first ascribed to it in the new valuation list, other than a reduction arising from an alteration to the hereditament.

(3) This Order shall not apply to any specified hereditament to which a net annual value was first ascribed in the new valuation list after 1st April 2003.

Hereditaments excluded from transitional relief

3. Subject to the supplementary provisions set out in column 3 of the Schedule in relation to any entry numbered in column 1 of the Schedule, this Order shall not apply to the hereditaments specified in column 2 of the Schedule in relation to that entry.

Amount of rates

4.—(1) Where the net annual value ascribed to a specified hereditament to which this Order applies in the new valuation list is a different value from that ascribed to that hereditament in the list in force immediately before the coming into force of the new valuation list, then the amount of the sum chargeable in respect of rates in respect of that hereditament shall be determined in accordance with Article 5.

(2) In this Article and Articles 5, 6(1) and 7(3) references to a specified hereditament shall, in relation to a specified hereditament which is used partly for the purposes of a private dwelling, be construed as references to that part of the hereditament which is not so used.

Transitional relief

5.—(1) Where the unadjusted amount in respect of a specified hereditament in a relevant year exceeds the base amount for that year by not less than one-quarter of the base amount, the unadjusted amount for that year shall, subject to Articles 6 and 7, be reduced in accordance with paragraphs (2) to (4).

(2) In the year ending on 31st March 2004, the unadjusted amount shall be reduced by the whole of the difference between that amount and one and one-quarter times the base amount.

(3) In the year ending on 31st March 2005, the unadjusted amount shall be reduced by two-thirds of the difference between that amount and one and one-quarter times the base amount.

(4) In the year ending on 31st March 2006, the unadjusted amount shall be reduced by one third of the difference between that amount and one and one-quarter times the base amount.

Supplementary provisions as to transitional relief

6.—(1) Where the net annual value ascribed to a specified hereditament to which this Order applies is changed after 1st April 2003, then for the purpose of determining any reduction of the unadjusted amount under Article 5 –

- (a) if the net annual value is increased, such increase shall be disregarded notwithstanding that the increased net annual value exceeds £12,500; and
- (b) if the net annual value is reduced, the unadjusted amount in relation to any period after that reduction shall be the sum chargeable, apart from this Order, in respect of rates in respect of that hereditament as a result of that reduction.

(2) Where, on 1st April 2003, a hereditament is not a specified hereditament, such a hereditament shall not be a specified hereditament for the purposes of Article 2 only by virtue of the fact that a net annual value has been ascribed to it in the new valuation list after 1st April 2003.

Occupation

7.—(1) Where a specified hereditament is unoccupied on 1st April 2003 then, subject to paragraph (2), a reduction in the unadjusted amount shall not be made.

(2) Paragraph (1) shall not apply where a specified hereditament which is unoccupied on 1st April 2003 is next occupied by a person who was the occupier of that hereditament immediately before it became unoccupied.

(3) Where there is a change of occupation of a specified hereditament after 1st April 2003 the unadjusted amount shall not be reduced in respect of any period after the first day on which the change of occupation occurred.

Revocation

8. The Rates (Transitional Relief) Order (Northern Ireland) 1997(a) is hereby revoked.

Sealed with the Official Seal of the Department of Finance and Personnel on 6th March 2003.

(L.S.)

Brian McClure

A senior officer of the Department of Finance and Personnel

(a) S.R. 1997 No. 107

SCHEDULE

Article 3

HEREDITAMENTS TO BE EXCLUDED FROM TRANSITIONAL RELIEF

<i>Entry No.</i>	<i>Hereditaments</i>	<i>Supplementary Provisions</i>
1	Hereditaments used solely for, or in connection with, automatic teller machines.	
2	Hereditaments used solely for, or in connection with, the parking of motor vehicles.	
3	Hereditaments occupied by dock authorities.	This entry applies whether or not the hereditament comprises operational land.
4	Hereditaments occupied by the holders of licences or exemptions under Part II of the Electricity (Northern Ireland) Order 1992(a).	This entry applies whether or not the hereditament comprises operational land.
5	Hereditaments occupied by the holders of licences or exemptions under Part II of the Gas (Northern Ireland) Order 1996(b).	This entry applies whether or not the hereditament comprises operational land.
6	Hereditaments occupied by a Northern Ireland Department or a Minister of the Crown.	
7	Hereditaments occupied by – (a) the Northern Ireland Railways Company Limited; (b) Citybus Limited; or (c) Ulsterbus Limited.	This entry applies whether or not the hereditament comprises operational land.
8	Showhouses.	
9	Hereditaments used solely for exhibiting advertisements.	
10	Hereditaments occupied by – (a) British Telecommunications plc (b) NTL Group Limited; or (c) Cable and Wireless UK.	This entry applies whether or not the hereditament comprises operational land.
11	Hereditaments used solely for, or in connection with, telecommunications masts and towers (other than hereditaments mentioned in entry 10).	

(a) S.I. 1992/231 (N.I. 1)

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

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order makes provision for a scheme of transitional rate relief in respect of certain hereditaments following a revaluation of non-domestic premises. A new valuation list comes into force on 1st April 2003.

The Order applies to any hereditament other than a private dwelling-house, private garage or private storage premises with a net annual value not exceeding £12,500 where the amount due in respect of rates following revaluation (the unadjusted amount) is 25 per cent. or more above what it would have been if the revaluation had not taken place (the base amount).

Article 3 and the Schedule specify hereditaments which are excluded from transitional relief.

The amount of relief is determined by reference to the difference between the unadjusted amount and the corresponding base amount plus 25 per cent. The relief given in the year ending 31st March 2004 is the whole of that difference and the relief is progressively reduced in the year ending 31st March 2005 and the year ending 31st March 2006 (Article 5).

Article 6 contains supplementary provisions and Article 7 excludes from transitional relief hereditaments which are unoccupied on 1st April 2003 and hereditaments in respect of which there is a change of occupation after 1st April 2003.

Article 8 revokes the Rates (Transitional Relief) Order (Northern Ireland) 1997.

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