

2004 No. 191

RATES

Non-Domestic Rating (Unoccupied Property) (Prescribed Information) Regulations (Northern Ireland) 2004

Made - - - - - *26th April 2004*

Coming into operation *24th May 2004*

The Department of Finance and Personnel^(a), in exercise of the powers conferred on it by Article 26(2A) of the Rates (Northern Ireland) Order 1977^(b), and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Non-Domestic Rating (Unoccupied Property) (Prescribed Information) Regulations (Northern Ireland) 2004 and shall come into operation on 24th May 2004.

(2) In these Regulations –

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

“estate agency work” has the same meaning as in the Estate Agents Act 1979^(c).

Information to be provided by a relevant person

2. For the purposes of Article 26(2A) of the 1977 Order, the following information is prescribed in relation to a notice served under that paragraph in respect of any hereditament, that is to say:

- (a) where the notice is served on a district council, the name and address of any person who, on a date or during a period specified in the notice –
 - (i) made an application to that council for refuse to be collected from the hereditament;
 - (ii) made an application to that council for an entertainments licence to be granted, renewed or transferred in respect of the hereditament under paragraph 3 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985^(d);
- (b) where the notice is served on a person who the Department has reason to believe is or has been doing estate agency work in respect of the hereditament on a date or during a period specified in the notice, the name and address of any person on whose instructions any such work was done;

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

(b) S.I. 1977/2157 (N.I. 28); Article 26(2A) was inserted by Article 6 of the Rates (Amendment) (Northern Ireland) Order 2004 (S.I. 2004/703 (N.I. 4)) which is commenced from 14th April 2004 by Article 2 of the Rates (Amendment) (2004 Order) (Commencement) Order (Northern Ireland) 2004 (S.R. 2004 No. 147)

(c) 1979 (c. 38)

(d) S.I. 1985/1208 (N.I. 15)

- (c) where the notice is served on a person who the Department has reason to believe is or has been a statutory undertaker (within the meaning of the Planning (Northern Ireland) Order 1991(a)), the name and address of any person who, on a date or during a period specified in the notice, was supplied or provided with, or was entitled to the supply or provision of, any goods or services by the undertaker at the hereditament;
- (d) where the notice is served on a person who the Department has reason to believe is or has been a communications provider (within the meaning of the Communications Act 2003(b)) or a public telecommunications operator (within the meaning of the Telecommunications Act 1984(c)), the name and address of any person who, on a date or during a period specified in the notice, was provided with, or was entitled to the provision of, any goods or services by the provider or operator at the hereditament;
- (e) where the notice is served on a person who the Department has reason to believe is or has been a person on whom a notice may be served under Article 26(1) or (2) of the 1977 Order or a person entitled to the possession of the hereditament,
 - (i) the name and address of the person entitled to possession of the hereditament and the date on which he became so entitled;
 - (ii) the name and address of the person who last occupied the hereditament and the date on which occupation ceased; or
 - (iii) the name and address of any person who is doing or has done estate agency work in respect of the hereditament on a date or during a period specified in the notice.

Sealed with the Official Seal of the Department of Finance and Personnel on 26th April 2004.

(L.S.)

Brian McClure

A senior officer of the Department of Finance and Personnel

(a) S.I. 1991/1220 (N.I. 11)
(b) 2003 c. 21
(c) 1984 c. 12

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations relate to notices that may be served on relevant persons under Article 26(2A) of the Rates (Northern Ireland) Order 1977 requiring such persons to provide information to the Department of Finance and Personnel. Article 26(2B) of the same Order defines who is a relevant person for these purposes. This includes gas and electricity undertakers, telecommunications providers and district councils. The Regulations prescribe the type of information that may be required by such a notice. The information required is for the purpose of identifying the person entitled to possession of an unoccupied non-domestic property and, therefore, the person liable to unoccupied property rate.

A person who fails, without reasonable excuse, to comply with the requirements of a notice is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale. A person who, in response to a notice, makes a statement which he knows to be false in a material particular or recklessly makes any statement to which it is false in a material particular, is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale or to both.

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