

2009 No. 349

RATES

**The Rate Relief (Education, Training and Leaving Care)
(Revocation and Savings) Regulations (Northern Ireland) 2009**

Made - - - - - *23rd October 2009*

Coming into operation - *1st December 2009*

The Department of Finance and Personnel makes the following Regulations in exercise of the powers conferred by Articles 30B(1), (3), (4) and (5) and 42(2A) and (2B) of the Rates (Northern Ireland) Order 1977(a).

Citation and commencement

1. These Regulations may be cited as the Rate Relief (Education, Training and Leaving Care) (Revocation and Savings) Regulations (Northern Ireland) 2009 and shall come into operation on 1st December 2009.

Interpretation

2. In these Regulations—

“the 2007 Regulations” means the Rate Relief (Education, Training and Leaving Care) Regulations (Northern Ireland) 2007(b);

“application” means an application under regulation 10 of the 2007 Regulations;

“approved course of training” and “eligible trainee” shall be construed in accordance with regulation 8 of the 2007 Regulations;

“designated course” and “eligible student” shall be construed in accordance with regulation 7 of the 2007 Regulations;

“gap year student” shall be construed in accordance with regulation 3 of the 2007 Regulations;

“qualifying person”, in relation to a hereditament, means a person who was in occupation of the hereditament immediately before these Regulations came into operation and who is—

- (a) a person under the age of 18;
- (b) a person described in regulation 9 (a) or (b) of the 2007 Regulations;
- (c) a qualifying student; or
- (d) a qualifying trainee;

“qualifying student” means an eligible student who, except in the case of a transfer student, is undertaking the designated course he was undertaking immediately before these Regulations came into operation;

(a) S.I. 1977/2157 (N.I. 28); Articles 30B and 42(2A) and (2B) were inserted by Article 15 of the Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18))
(b) S.R. 2007 No 148

“qualifying trainee” means an eligible trainee who is undertaking the approved course of training he was undertaking immediately before these Regulations came into operation; and
“transfer student” shall be construed in accordance with regulation 4 of the 2007 Regulations except that it includes a person who was a transfer student.

Revocation and savings

3.—(1) Subject to paragraphs (2) to (5), Parts 1 to 3 of the 2007 Regulations are revoked.

(2) Part 1 and regulations 7 and 8 of the 2007 Regulations shall continue to have effect for the purposes of Part 4 of those Regulations.

(3) Without prejudice to paragraph (2) and subject to paragraph (4), Parts 1 and 2 of the 2007 Regulations shall continue to have effect, in relation to an application made before 1st December 2009, until—

- (a) the hereditament specified in the application ceases to be occupied by persons all of whom are qualifying persons; or
- (b) 30th November 2012,

whichever is earlier.

(4) Paragraph (3)(b) shall not apply in the case of a person who is a qualifying person on 30th November 2012 by reason of the fact that—

- (a) he was a gap year student or a transfer student; or
- (b) the normal date of completion of the approved course of training or designated course he was undertaking immediately before these Regulations came into operation is after 30th November 2012.

(5) Part 3 of the 2007 Regulations shall continue to have effect in relation to an application made before 1st December 2009.

Sealed with the Official Seal of the Department of Finance and Personnel on 23rd October 2009
(L.S.)

Brian McClure

A senior officer of the Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke, with savings, Parts 1 to 3 of the Rate Relief (Education, Training and Leaving Care) Regulations (Northern Ireland) 2007 (“the 2007 Regulations”) which provided for rate relief in respect of dwellings occupied by persons under 18 and persons in education or training or leaving care. Savings provisions are made in respect of applications for rate relief made before these Regulations come into operation.

Part 4 of the 2007 Regulations (exemption from rates for certain halls of residence) continues to have effect.

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