

EXPLANATORY MEMORANDUM TO

The Valuation Tribunal (Amendment) Rules (Northern Ireland) 2012

S.R. 2012 No. 122

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment on behalf of the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under the High Hedges Act (Northern Ireland) 2011 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Valuation Tribunal Rules (Northern Ireland) 2007 (S.R. 2007 No.182) (“the Principal Rules”) regulate the exercise of rights of appeal to the Northern Ireland Valuation Tribunal (“the Tribunal”) and prescribe the practice and procedure in relation to proceedings before the Tribunal.
- 2.2. These Rules amend the Principal Rules in consequence of the introduction of a right of appeal to the Tribunal against the issue, withdrawal, waiver or relaxation of the requirements of a remedial notice or certain decisions of a district council under the High Hedges Act (Northern Ireland) 2011.

3. Background

- 3.1. The High Hedges Act (Northern Ireland) 2011 introduces a system to encourage high hedge problem issues to be resolved through neighbourly discussion or mediation, and failing that, the facility for persons alleging that they are suffering a loss of reasonable enjoyment of their property due to a neighbouring high hedge acting as a barrier to light to lodge a formal complaint with their district council.
- 3.2. The High Hedges Act designates the Northern Ireland Valuation Tribunal as the appeals body to deal with appeals against certain council decisions.

4. Consultation

- 4.1. As a result of the public consultation on a draft High Hedges Bill, the Northern Ireland Valuation Tribunal was designated as the appeals body to deal with High Hedge appeals.

5. Equality Impact

- 5.1. An equality impact assessment was not considered necessary because it was addressed fully at the primary legislation stage.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment on the primary legislation was carried out and a separate impact assessment of these amending Rules is not considered necessary.

7. Financial Implications

- 7.1. A fee will be payable to the Northern Ireland Valuation Tribunal by any person lodging an appeal. This fee will be in line with the normal Planning Appeal fees. Costs and benefits of implementing the High Hedges Act (Northern Ireland) 2011 can be found in the Regulatory Impact Assessment, available on the Department of the Environment's website.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. It is considered that the Statutory Rule is compliant with the European Convention on Human Rights.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. High Hedge legislation has been operational in England and Wales since 2005. The High Hedges Act (Northern Ireland) 2011 introduces legislation to deal with high hedge problems in Northern Ireland although it differs from the legislation in England and Wales as in Northern Ireland councils are required to refund any complaints fee when a remedial notice takes effect and provides a mechanism to charge a fee to every owner and every occupier of the neighbouring land..

11. Additional Information

- 11.1. Not applicable.