

2018 No. 44

RATES

**The Valuation Tribunal (Amendment) Rules (Northern Ireland)
2018**

Made - - - - *8th March 2018*

Coming into operation - *1st April 2018*

The Department of Justice makes the following Rules in exercise of the powers conferred by Article 36A(3) of, and paragraphs 7 to 13 of Schedule 9B to, the Rates (Northern Ireland) Order 1977(a).

Citation and commencement

1. These Rules may be cited as the Valuation Tribunal (Amendment) Rules (Northern Ireland) 2018 and shall come into operation on 1st April 2018.

Amendment to the Valuation Tribunal Rules (Northern Ireland) 2007

2. The Valuation Tribunal Rules (Northern Ireland) 2007(b) shall be amended in accordance with rules 3 to 8.

3. In rule 2(1) (*Interpretation*)—

- (a) omit the definitions of “the 2007 Regulations”, “the 2010 (Energy Efficiency Homes Scheme) Regulations” and “the 2010 (Low-Carbon Homes Scheme) Regulations”;
- (b) after the definition of “the 2011 Act” insert—
““the 2017 Regulations” means the Rate Relief Regulations (Northern Ireland) 2017(c);”;
- (c) in the definition of “appeal”—
 - (i) omit paragraphs (b), (d) and (e); and
 - (ii) after paragraph (f) insert—
“or
(g) regulation 18(1) of the 2017 Regulations;”;
- (d) in the definition of “respondent” for paragraph (a) substitute—

(a) S.I. 1977/2157 (N.I. 28): Article 36A was inserted by Article 29(1) of the Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)) and Schedule 9B was inserted by Article 29(2) of, and Schedule 1 to, that Order. These powers were transferred from the Lord Chancellor to the Department of Justice by Article 15(1) of, and paragraph 30 of Schedule 17 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976).

(b) S.R. 2007 No. 182 as amended by S.R. 2008 No. 153, S.R. 2010 No. 104, S.R. 2012 No. 122 and S.R. 2012 No. 217.

(c) S.R. 2017 No. 184.

“(a) in relation to an appeal under Article 13(3) or 31A(12B) of, or paragraph 9 of Schedule 8B to, the 1977 Order or regulation 18(1) of the 2017 Regulations, means the Department;”.

4. In rule 4 (*Composition of tribunals*)—

- (a) in paragraph (1) for “and (4)” substitute “, (4) and (5)”;
- (b) for paragraph (3) substitute—

“(3) Any proceedings may, with the consent of the parties, be considered and determined—

- (a) in the absence of any one member other than the chairman; or
- (b) by the chairman alone,

whether or not the parties have subsequently withdrawn their consent.”; and

- (c) after paragraph (4) insert—

“(5) In relation to an appeal under regulation 18(1) of the 2017 Regulations, rule 4(1)(b) does not apply.”.

5. In rule 5 (*Notice of appeal*)—

- (a) omit paragraphs (d), (f) and (g); and
- (b) after paragraph (i)—
 - (i) for “.” substitute “;”; and
 - (ii) insert—

“(j) an appeal under regulation 18(1) of the 2017 Regulations shall be instituted by delivering to the Secretary a notice of appeal in accordance with Form 10 within three months of the Department issuing the notice under regulation 17(3).”.

6. In rule 9 (*General power to manage proceedings*)—

- (a) at the beginning of paragraph (1) omit “The” and insert “Subject to paragraph (2A), the”;
- (b) after paragraph (2) insert—

“(2A) The time limit for instituting an appeal in accordance with regulation 18(1) of the 2017 Regulations shall not be extended;” and

- (c) in paragraph (6) for “paragraph (1)(c)” substitute “paragraph (2)(c)”.

7. In rule 22(1) (*Case stated for the Court of Appeal*)—

- (a) after paragraph (a) insert “or”; and
- (b) omit paragraphs (b), (d) and (e).

8. In the Schedule—

- (a) omit forms 4, 6 and 7; and
- (b) after Form 9, insert the form set out in the Schedule to these Rules.

Sealed with the Official Seal of the Department of Justice on 8th March 2018



Nick Perry
A senior officer of the
Department of Justice

SCHEDULE

Rule 8

Form 10

Rule 5(j)

RATES (NORTHERN IRELAND) ORDER 1977

Notice of appeal against the result of a review by the Department of a decision in relation to a claim for rate relief under regulation 18(1) of the Rate Relief Regulations (Northern Ireland) 2017

To: The Secretary
Northern Ireland Valuation Tribunal

Before completing please read the notes below

1. I.....of.....
being dissatisfied with the result of the review by the Department of Finance of a decision made in relation to my claim for rate relief under the Rate Relief Regulations (Northern Ireland) 2017 in respect of the hereditament situated atgive notice of appeal.

2. The grounds of appeal are:
.....
.....
.....
.....
.....

3. I am content for the appeal to be disposed of by written representations/I request a hearing.

4. All communications regarding this appeal should be addressed to me at
.....

Dated:.....Signed.....Appellant

Notes

AT1. Insert your name and postal address in full and address of hereditament in respect of which the appeal is being made.

AT2. Please state briefly why you are dissatisfied with the result of the review. If there is insufficient space on the form please use a separate sheet and attach securely to the form.

AT4. Insert the address at which you wish to receive communications.

General

This notice of appeal should be delivered to the Secretary of the Northern Ireland Valuation Tribunal within three months of the Department issuing the notice of the result of the review.

EXPLANATORY NOTE

(This note is not part of the Rules)

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.

These Rules amend the principal Rules in consequence of the introduction of a right of appeal to the Tribunal against the result of a review by the Department of Finance of a decision made in relation to rate relief under the Rate Relief Regulations (Northern Ireland) 2017 (S.R. 2017 No. 184).

They also make amendments to the principal Rules consequential to the revocation of the Rate Relief (Education, Training and Leaving Care) Regulations (Northern Ireland) 2007 (S.R. 2007 No. 148), the Rate Relief (Low-Carbon Homes Scheme) Regulations (Northern Ireland) 2010 (S.R. 2010 No. 66) and the Rate Relief (Energy Efficiency Homes Scheme) Regulations (Northern Ireland) 2010 (S.R. 2010 No.67).

Rule 6(c) corrects a drafting error in the principal Rules.

© Crown copyright 2018

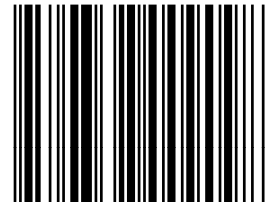
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£4.25

NI201803081018 03/2018 19585

<http://www.legislation.gov.uk/id/nistr/2018/44>

ISBN 978-0-33-800909-8



9 780338 009098