
STATUTORY INSTRUMENTS

1977 No. 2157

Rates (Northern Ireland) Order 1977

PART III

VALUATION

Valuation lists

Distinguishment in valuation list of hereditaments used for public, charitable or certain other purposes

41.—^{F1}(1) Subject to the provisions of this Article, where the Commissioner or the district valuer is satisfied that a hereditament is a hereditament of a description mentioned in paragraph (2), he shall distinguish the hereditament, or cause it to be distinguished, ^{F2}. . . in accordance with paragraph (3).

(2) The hereditaments referred to in paragraph (1) are—

- (a) any hereditament which is altogether of a public nature and is occupied and used for purposes of the public service;
- (b) any hereditament which consists of either or both of the following—
 - (i) a church, chapel or similar building occupied by a religious body and used for purposes of public religious worship;
 - (ii) a church hall, chapel hall or similar building occupied by a religious body and used for purposes connected with that body or for purposes of any charity;together, in either case, with buildings ancillary thereto;
- (c) any hereditament, other than a hereditament to which sub-paragraph (b) applies, which—
 - (i) is occupied by a charity; and
 - (ii) is used wholly or mainly for charitable purposes (whether of that charity or of that and other charities);
- (d) any hereditament, other than a hereditament to which sub-paragraph (b) applies, which is occupied by a body—
 - (i) which is not established or conducted for profit; and
 - (ii) whose main objects are charitable or are concerned with science, literature or the fine arts;where the hereditament is used wholly or mainly for the purposes of those main objects;
- (e) any hereditament which is used wholly or mainly for purposes which are declared to be charitable by the Recreational Charities Act (Northern Ireland) 1958 ;
- (f) ^{F3}.....

Sub-para. (g) rep. by 1994 NI 11

[^{F4}(3) The hereditament shall be distinguished—

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- (a) in the capital value list, if it is used for domestic purposes which are also exempting purposes, as exempt from rates under that list to one-half of the extent to which it is so used;
- (b) in the NAV list, as exempt from rates under that list to the whole of the extent that it is used for exempting purposes which are not domestic purposes.

(3A) Where the hereditament is used otherwise than wholly for domestic purposes which are exempting purposes, the capital value of the hereditament shall be apportioned by the Commissioner or the district valuer between—

- (a) the use of the hereditament for domestic purposes which are exempting purposes; and
- (b) the use of the hereditament for other purposes (so far as relevant to its capital value);

and the apportionment shall be shown in the capital value list.

(3B) Where the hereditament is used otherwise than wholly for exempting purposes which are not domestic purposes, the net annual value of the hereditament shall be apportioned by the Commissioner or the district valuer between—

- (a) the use of the hereditament for exempting purposes which are not domestic purposes; and
- (b) the use of the hereditament for other purposes (so far as relevant to its net annual value);

and the apportionment shall be shown in the NAV list.

(3C) In paragraphs (3) to (3B) and (4), “exempting purposes” means purposes mentioned in sub-paragraph (a), (b)(i) or (ii), (c), (d) or (e) of paragraph (2).]

(4) Subject to paragraph (5), any use (whether by way of letting or otherwise) for profit shall not be treated as a use for^{F5} exempting purposes], unless it directly facilitates the carrying out of those purposes.

^{F6}(5) Notwithstanding anything in paragraph (4) and without prejudice to the generality of paragraph (2)(c)(ii), a hereditament shall be treated as used for charitable purposes—

- (a) to the extent that it is used for the sale of goods donated to a charity, and
- (b) if it is mainly used for the sale of goods donated to a charity, to the extent that it is used for the sale of other goods if they are of a description specified in an order made by the Department,

so long as the proceeds of the sale of the goods mentioned in sub-paragraph (a) (after any deduction of expenses) are applied for the purposes of a charity.

(5A) The Department shall not make an order under paragraph (5)(b) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.]

(6) This Article does not apply to—

- (a) a hereditament which is occupied for the purposes of a public utility undertaking; or
- (b) a hereditament which—
 - (i) is occupied by a body specified in Schedule 13; or
 - (ii) if hereditaments of any description are included in that Schedule, is a hereditament of that description.

(7) The Department may, by order made subject to affirmative resolution amend Schedule 13 by—

- (a) including hereditaments of any description;
- (b) adding or omitting any body or any description of hereditaments;
- (c) altering the description of any body or hereditament.

(8) A hereditament, or a distinct part of a hereditament,^{F7} . . . —

(a) in which ^{F8} . . . —

(i) the persons from time to time holding any full-time office as clergyman or minister of any religious denomination, or

(ii) any particular person holding such an office,

have or has a residence from which to perform the duties of the office; or

(b) in which ^{F9}, in right of an interest which belongs to, or to trustees for, a religious body,] accommodation is being held available to provide such a residence for such a person as is mentioned in sub-paragraph (a);

shall be treated for the purposes of this Article as occupied by a charity and used wholly for charitable purposes which are also domestic purposes, whether or not it would be so treated apart from this provision.

(9) In this Article—

any reference to a body includes a reference to persons administering a trust; and any reference to a hereditament which is occupied by a body includes a reference to a hereditament which is occupied for the purposes of a body by trustees for the body or by a person charged with the administration of, or otherwise acting on behalf of the body;

“charity” means a body established for charitable purposes only;

“domestic purposes” means the purposes of providing living accommodation for one or more than one person who is a member or employee of a body by or on behalf of which the hereditament is occupied;

“employee” means a person employed under a contract of service;

Definition rep. by 1994 NI 11

and in paragraph (2)(a)]^{F10} to (e)] any reference to a hereditament of a description there mentioned includes a reference to a hereditament a distinct part of which is of that description.

(10) ^{F11}

F1	1980 c.17
F2	Words in art. 41(1) repealed (1.12.2006) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), 39, 41, Sch. 2 para. 24(2), Sch. 3 ; S.R. 2006/464, art. 2(2) , Sch. 2 (with transitional provisions in S.R. 2006/468, art. 3(1), Sch.)
F3	Art. 41(2)(f) repealed (1.4.2006) by Rates (Capital Values, etc.) (Northern Ireland) Order 2006 (S.I. 2006/611 (N.I. 4)), arts. 1(3), 12(1), 16, Sch. 4 ; S.R. 2006/146, art. 2
F4	Art. 41(3) - (3C) substituted (1.12.2006) for art. 41(3) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), 39, Sch. 2 para. 24(3) ; S.R. 2006/464, art. 2(2) , Sch. 2 (with transitional provisions in S.R. 2006/468, art. 3(1), Sch.)
F5	Words in art. 41(4) substituted (1.12.2006) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), 39, Sch. 2 para. 24(4) ; S.R. 2006/464, art. 2(2) , Sch. 2 (with transitional provisions in S.R. 2006/468, art. 3(1), Sch.)
F6	Art. 41(5) - (5A) substituted (1.12.2006) for art. 41(5) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), 19 ; S.R. 2006/464, art. 2(2) Sch. 2
F7	Words in art. 41(8) repealed (1.4.2007) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), 20(2), 41, Sch. 3 ; S.R. 2006/464, art. 2(4)
F8	Words in art. 41(8)(a) repealed (1.4.2007) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), 20(3), 41, Sch. 3 ; S.R. 2006/464, art. 2(4)
F9	Words in art. 41(8)(b) substituted (1.4.2007) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), 20(4) ; S.R. 2006/464, art. 2(4)
F10	Words in art. 41(9) substituted (1.4.2006) by Rates (Capital Values, etc.) (Northern Ireland) Order 2006 (S.I. 2006/611 (N.I. 4)), arts. 1(3), 12(7)(b)(iii) ; S.R. 2006/146, art. 2

Changes to legislation: Rates (Northern Ireland) Order 1977, Section 41 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

F11 Art. 41(10) repealed (1.4.2006) by Rates (Capital Values, etc.) (Northern Ireland) Order 2006 (S.I. 2006/611 (N.I. 4), arts. 1(3), 16, **Sch. 4**; S.R. 2006/146, **art. 2**

Modifications etc. (not altering text)

C1 Art. 41(9) applied (1.4.2006) by Rates (Capital Values, etc.) (Northern Ireland) Order 2006 (S.I. 2006/611 (N.I. 4), arts. 1(3), **12(6)**; S.R. 2006/146, **art. 2**

Changes to legislation:

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 7\(6\)\(7\)](#) added by [S.I. 2006/2954 \(N.I.\) art. 4](#)