

STATUTORY INSTRUMENTS

1977 No. 2157

Rates (Northern Ireland) Order 1977

PART IV

GENERAL

Offences

60.—(1) If any person on whom a notice has been served under Article 22(2),^[F1 26] or ^[F259] fails without reasonable excuse to comply with the notice, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^[F3] level 3 on the standard scale].

(2) Where a person is convicted under paragraph (1) in respect of a failure to comply with a notice and the failure continues after the conviction, then, unless he has a reasonable excuse for the continuance of the failure, he shall be guilty of a further offence under paragraph (1) and shall be liable on summary conviction, in addition to the fine specified in that paragraph, to a fine not exceeding^[F3] level 1 on the standard scale] for every day subsequent to the day on which he is first convicted of an offence under that paragraph on which the failure continues.

(3) If any person ^[F4]for the purpose of any application under this Order or] in response to a notice under Article 22(2)^[F5, 26 or 59], makes a statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence and shall be liable on summary conviction ^{F6}. . . to a fine not exceeding^[F3] level 3 on the standard scale]^{F6}. . . .

(4) If any person ^{F7}. . . knowingly prevents any other person from doing on the land any act that the other person is authorised under Article^[F1 26A or] 58 to do or obstructs the other person in doing any such act, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^[F3] level 3 on the standard scale].

^[F8](5) If any person fails without reasonable excuse to give any assistance which he is reasonably required to give under Article 26A or 58, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

F1 2004 NI 4

F2 Words in art. 60(1) substituted (1.4.2007) by [Rates \(Amendment\) \(Northern Ireland\) Order 2006 \(S.I. 2006/2954 \(N.I. 18\)\)](#), arts. 1(3), 39, [Sch. 2 para. 37\(2\)](#); S.R. 2006/464, [art. 2\(4\)](#)

F3 1984 NI 3

F4 Words in art. 60(3) inserted (1.12.2006) by [Rates \(Amendment\) \(Northern Ireland\) Order 2006 \(S.I. 2006/2954 \(N.I. 18\)\)](#), arts. 1(3), 39, [Sch. 2 para. 37\(3\)\(a\)](#); S.R. 2006/464, [art. 2\(2\)](#), Sch. 2

F5 Words in art. 60(3) substituted (1.4.2007) by [Rates \(Amendment\) \(Northern Ireland\) Order 2006 \(S.I. 2006/2954 \(N.I. 18\)\)](#), arts. 1(3), 39, [Sch. 2 para. 37\(3\)\(b\)](#); S.R. 2006/464, [art. 2\(4\)](#)

F6 Words in art. 60(3) 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. 37(3)(c), [Sch. 3](#); S.R. 2006/464, [art. 2\(2\)](#), Sch. 2

F7 Words in art. 60(4) repealed (1.4.2007) by [Rates \(Amendment\) \(Northern Ireland\) Order 2006 \(S.I. 2006/2954 \(N.I. 18\)\)](#), arts. 1(3), 38(3)(a), 41, [Sch. 3](#); S.R. 2006/464, [art. 2\(4\)](#)

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F8 Art. 60(5) substituted (1.4.2007) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), **38(3)(b)**; S.R. 2006/464, **art. 2(4)**

Modifications etc. (not altering text)

C1 Arts. 57 - 60 applied (with modifications) (1.4.2006) by Rates (Capital Values, etc.) (Northern Ireland) Order 2006 (S.I. 2006/611 (N.I. 4)), arts. 1(3), **14(1)**; S.R. 2006/146, **art. 2**

Regulations

61.—(1) Regulations may—

- (a) prescribe the form of any valuation list, certificate, application, statement, return, notice or other document whatsoever which is required or authorised to be used under or for the purposes of this Order;
- (b) substitute for any period mentioned in Article^{F9} . . . 13(1)(a)(ii), 49(4) or (5), [^{F10}51(1), (1A), (2) or (4), or 52(4A) or (4B)] any other period; ^{F11} . . .
- (bb) ^{F12}
- (c) make provision with respect to the making of reviews under Article 55.

(1A) ^{F13}

[^{F14}(2) Regulations shall not be made under Article 18(2) or 29A or paragraph 8 of Schedule 5 [^{F15}or paragraph 12 of Part 1 of Schedule 12] unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(2A) Regulations made [^{F16}under—

- (a)] Article 23A [^{F17}, except those made under paragraph (a) of the definition of “hereditament in the social sector” in paragraph (3) of that Article] [^{F18};
- (b) Article 31(5A); or
- (c) paragraph (1)(b),]

shall be subject to affirmative resolution.

(2B) Regulations made under provisions of this Order other than those [^{F19}regulations] to which paragraphs (2) and (2A) apply shall be subject to negative resolution.]

F9 Words in art. 61(1)(b) repealed (1.12.2006) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), 41, **Sch. 3**; S.R. 2006/464, **art. 2(2)**, (4), Sch. 2

F10 Words in art. 61(1)(b) substituted (1.4.2007) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), 39, **Sch. 2 para. 38(2)**; S.R. 2006/464, **art. 2(4)**

F11 1979 NI 4

F12 Art. 61(1)(bb) 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**

F13 Art. 61(1A) 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. 38(3), **Sch. 3**; S.R. 2006/464, **art. 2(2)**, Sch. 2

F14 Art. 61(2) - (2B) substituted (1.12.2006) for art. 61(2) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), 39, **Sch. 2 para. 38(4)**; S.R. 2006/464, **art. 2(2)**, Sch. 2

F15 Words in art. 61(2) inserted (10.2.2011) by Rates (Amendment) Act (Northern Ireland) 2009 (c. 8), **ss. 7(2)**, 19; S.R. 2011/16, **art. 2(1)**, Sch. 1

F16 Words in art. 61(2A) substituted (19.9.2016 for specified purposes, 26.10.2016 in so far as not already in operation) by Rates (Amendment) Act (Northern Ireland) 2016 (c. 6), **ss. 1(3)(a)**, 6(1); S.R. 2016/331, **art. 2(a)**; S.R. 2016/388, **art. 2**

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- F17** Words in art. 61(2A) substituted (3.11.2009) by Rates (Amendment) Act (Northern Ireland) 2009 (c. 8), ss. 13(2), 19
- F18** Words in art. 61(2A) substituted (19.9.2016 for specified purposes, 26.10.2016 in so far as not already in operation) by Rates (Amendment) Act (Northern Ireland) 2016 (c. 6), ss. 1(3)(b), 6(1); S.R. 2016/331, art. 2(a); S.R. 2016/388, art. 2
- F19** Word in art. 61(2B) inserted (3.11.2009) by Rates (Amendment) Act (Northern Ireland) 2009 (c. 8), ss. 13(3), 19

[^{F20}Service of documents

62.—(1) The following documents, that is to say,—

- (a) a demand note under Article 9(4); and
- (b) a certificate under Article 49(2) of an alteration made ^{F21}. . . in [^{F22}a valuation list] or a notice under Article 49(3) of a decision ^{F21}. . . that no alteration should be made in [^{F22}a valuation list] ,

may be served on, respectively, the person charged with a rate and the persons mentioned in Article 56(8) or the person who applied for revision of the list by being sent to him or them by ordinary post [^{F23}or, in the case of a document specified in sub-paragraph (b), by means of an electronic communication].

(2) A process under Part VI of the Magistrates' Courts (Northern Ireland) Order 1981 for the recovery of any sum due to the Department ^{F24}. . . on account of a rate may be served—

- (a) by being sent by [^{F25}the] Department by ordinary post; or
- (b) by any mode of service permitted by magistrates' courts rules.

(3) In section 24(1) of the Interpretation Act (Northern Ireland) 1954 (service of documents), as it applies to the service by post of such a note, certificate, notice or process, the word “registering” shall be omitted.]

- F20** 1986 NI 21
- F21** Words in art. 62(1)(b) repealed (1.4.2007) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), 39, 41, Sch. 2 para. 39(2)(a), Sch. 3; S.R. 2006/464, art. 2(4)
- F22** Words in art. 62(1)(b) substituted (1.4.2007) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), 39, Sch. 2 para. 39(2)(b); S.R. 2006/464, art. 2(4)
- F23** Words in art. 62(1) inserted (14.10.2020) by The Rates (Coronavirus) (Electronic Communications) Order (Northern Ireland) 2020 (S.R. 2020/201), arts. 1, 2
- F24** Words in art. 62(2) repealed (1.4.2007) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), 39, 41, Sch. 2 para. 39(3)(a), Sch. 3; S.R. 2006/464, art. 2(4)
- F25** Word in art. 62(2)(a) substituted (1.4.2007) by Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18)), arts. 1(3), 39, Sch. 2 para. 39(3)(b); S.R. 2006/464, art. 2(4)

Amendments, transitional provisions, construction of references, savings and repeals

Para. (1), with Schedule 15, effects amendments

(2) Schedule 16 (which largely re-enacts by reference to this Order transitional and saving provisions, and provisions for the construction of references, which were contained in provisions repealed by this Order) shall have effect.

Para.(3), with Schedule 17, effects repeals

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(4) In the application of section 29 of the Interpretation Act (Northern Ireland) 1954 to any repeal made by this Order, subsection (1) and paragraph (a) of subsection (3) shall have effect as if the word “statutory”, wherever it occurs, were omitted.

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](#)