

1981 No. 437 (N.I. 13)

**NORTHERN IRELAND**

**The Local Government, Planning and Land (Northern Ireland)  
Order 1981**

*Laid before Parliament in draft*

*Made* 18th March 1981

*Coming into operation in accordance with Article 1(2) to (4)*

**ARRANGEMENT OF ORDER**

**Article**

1. Title and commencement.
2. Interpretation.

*Valuation and rating*

3. Recovery of rates pending disposal of application for revision and appeal.
4. Allowances to owner rated instead of occupier.
5. Reduction of rates on private garages and private storage premises.
6. Payment of rates by instalments.
7. Valuation and adjusted valuation.
8. Issue of new valuation list.
9. Rating exemption for fish farms.

*Planning*

10. Fees for planning applications.
11. Increase of fines.

*Land*

12. Power to dispose of land no longer required for purposes of new town.
13. Power of Belfast City Council to develop certain industrial estates.

*Repeals*

## 14. Repeals.

At the Court at Buckingham Palace, the 18th day of March 1981  
Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Title and commencement*

1.—(1) This Order may be cited as the Local Government, Planning and Land (Northern Ireland) Order 1981.

(2) Articles 3 to 9 and 14 (d) and (e) shall come into operation on such day or days as the Head of the Department of Finance may by order appoint.

(3) Articles 10 and 14 (b) and (c) shall come into operation on such day as the Head of the Department of the Environment may by order appoint.

(4) The remaining provisions of this Order shall come into operation on the expiration of one month from the day on which this Order is made.

*Interpretation*

2. The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

*Valuation and rating**Recovery of rates pending disposal of application for revision and appeal*

3. At the end of Article 12 of the Rates (Northern Ireland) Order 1977 (c) (which provides that in certain cases the amount recoverable pending disposal of an application for revision of a new valuation list and any subsequent appeal shall not exceed the amount last levied increased by half the difference between that amount and the amount of the new charge) there shall be added the following paragraph—

“(4) The Department may by order subject to negative resolution provide—

(a) for paragraph (1) to have effect as if a reference to a fraction specified in the order were substituted for the reference to a half (or to a fraction specified in a previous order); or

(b) for the maximum amount that is recoverable by virtue of that paragraph to be the greater of—

(a) 1974 c. 28. (b) 1954 c. 33 (N.I.). (c) S.I. 1977/2157 (N.I. 28).

- (i) an amount calculated in accordance with the provisions of that paragraph (as modified by any provision made by virtue of subparagraph (a)), and
- (ii) an amount equal to a percentage specified in the order of the amount that would be recoverable apart from that paragraph.”.

*Allowances to owner rated instead of occupier*

4. At the end of Article 22 of the Rates (Northern Ireland) Order 1977 (provisions supplementary to Articles 20 and 21) there shall be added the following paragraphs—

“(4) The Department may by order direct that for any percentage mentioned in Article 20 (4) or 21 (1) there shall be substituted such other percentage as may be specified in the order.

(5) An order under paragraph (4) shall be subject to affirmative resolution and shall have effect from the beginning of the year after that in which it is made.”.

*Reduction of rates on private garages and private storage premises*

5. In Article 27 of the Rates (Northern Ireland) Order 1977 (which provides for reduction of regional rate on dwellings)—

- (a) at the end of paragraph (5) there shall be added the following paragraph—

“(5A) This Article applies to a private garage and private storage premises as it applies to a dwelling-house.”;

- (b) in paragraph (6) there shall be inserted the following definitions—

“‘private garage’ means a hereditament of an area not exceeding 25 square metres which is used wholly or mainly for the accommodation of a motor vehicle, other than a hereditament which—

- (a) forms part of premises in which a business of providing services for motor vehicles is carried on, or
- (b) is provided by the keeper of a hotel, inn, guest-house or boarding-house and used wholly or mainly for the motor vehicles of his guests, or
- (c) is used for the accommodation of a motor vehicle for the time being chargeable with duty under Schedule 2, 3 or 4 to the Vehicles (Excise) Act (Northern Ireland) 1972 (a) (hackney carriages, tractors and goods vehicles) whether it is also used for any other vehicle or not;

‘private storage premises’ means a hereditament which is used wholly in connection with a dwelling-house or dwelling-houses and so used wholly or mainly for the storage or accommodation

of any of the following articles belonging to persons residing in that dwelling-house or those dwelling-houses—

- (a) household stores and other articles for domestic use; and
- (b) light vehicles, whether mechanically-propelled or not;”.

*Payment of rates by instalments*

6. In Article 29 (1) of the Rates (Northern Ireland) Order 1977 (which restricts the right to pay rates by instalments to occupiers of dwelling-houses) at the beginning there shall be inserted the words “Subject to paragraph (1A)” and for the words from “and resides” to “and (b)” there shall be substituted the words “a hereditament which”; and after that paragraph there shall be inserted the following paragraph—

“(1A) Paragraph (1) shall not extend to a hereditament (not being a hereditament which is a dwelling-house or, though not a dwelling-house, is used partly for the purposes of a private dwelling) whose rateable value is less than such sum or is more than such other sum as the Department may by order subject to affirmative resolution prescribe.”.

*Valuation and adjusted valuation*

7.—(1) In Article 39 of the Rates (Northern Ireland) Order 1977 (basis of valuation) in paragraph (2) after the words “statutory provision” there shall be inserted the words “but subject to Articles 39A and 39B” and after that Article there shall be inserted the following Articles—

*“Time by reference to which, and basis on which, valuations to be made for new valuation list*

39A.—(1) Any net annual value to be ascribed to a specified hereditament in a new valuation list coming into force on 1st April in any year shall be ascertained by reference to such earlier time as the Department may by order subject to negative resolution specify, but on the assumption that at the time specified in the order the hereditament was in the same state and circumstances as at the time when the list comes into force.

(2) Where an order under paragraph (1) operates for any year, any net annual value to be ascribed to an unspecified hereditament in the new valuation list coming into force on 1st April in that year shall, subject to any adjustment under Article 39B, be—

- (a) the same value as was ascribed to the hereditament in the old list, that is the valuation list in force immediately before the coming into force of the new valuation list, or
- (b) (if no such value was ascribed) the value which would properly be ascribed to the hereditament if the old list were still in force and were altered in pursuance of an application for revision made on the date of the new valuation list coming into force.

(3) In this Article and Article 39B “specified hereditament” means a hereditament of such a class as may be specified in the order under paragraph (1) and “unspecified hereditament” means a hereditament not of such a class.

(4) This Article does not apply to a hereditament which is occupied by a public utility undertaking.

*Adjusted net annual value*

39B.—(1) In a case where the Department so provides by order subject to negative resolution in relation to a new valuation list to come into force on 1st April in any year, the net annual value to be ascribed in that list to a specified hereditament or to an unspecified hereditament (depending on which the order provides) shall, instead of the annual value arrived at under Articles 39 and 39A, be that value as adjusted by a method prescribed in the order.

(2) Any method so prescribed shall be such as in the opinion of the Department will preserve the ratio which it estimates will exist, immediately before the coming into force of the new valuation list, between the net annual values of specified hereditaments in Northern Ireland as a whole and the net annual values of unspecified hereditaments in Northern Ireland as a whole.

(3) Before prescribing a method, the Department shall consult—

- (a) any association which appears to the Department to be representative of district councils;
- (b) any district council and any other body of persons, with whom consultation appears to the Department to be desirable.”.

(2) In Article 2 (2) of the Rates (Northern Ireland) Order 1977 in the definition of “net annual value” for the words “Article 39” there shall be substituted the words “Articles 39 to 39B”.

*Issue of new valuation list*

8. In Article 45 of the Rates (Northern Ireland) Order 1977 for paragraph (1) (which requires a new valuation list to be issued by 31st December in every fifth year or in such later year as may be specified by order) there shall be substituted the following paragraph—

“(1) A new valuation list containing each general revaluation shall be prepared by the Commissioner and issued on or before 31st December in such year as the Department may by order subject to affirmative resolution specify”.

*Rating exemption for fish farms*

9.—(1) In Article 2 (2) of the Rates (Northern Ireland) Order 1977 (Interpretation) after the definition of “district valuer” there shall be inserted the following definition—

“‘fish farm’ means an undertaking for the culture of fish in respect of which a fish culture licence is in force under section 11 of the Fisheries Act (Northern Ireland) 1966 (a) other than fish—

- (a) which are purely ornamental; or
- (b) which are for exhibition;”.

(2) In Schedule 11 of the Rates (Northern Ireland) Order 1977 (properties

(a) 1966 c. 17 (N.I.).

not to be treated as hereditaments) after entry 3 there shall be inserted the following entry—

- “3A A fish farm (1) This entry applies only to land which is used solely for or in connection with fish farming.
- (2) In determining for the purposes of this entry whether land used for or in connection with fish farming is solely so used no account shall be taken of any time during which it is used in any other way, if that time does not amount to a substantial part of the time during which the land is used for or in connection with fish farming.”
- (3) In Part II of Schedule 12 to the Rates (Northern Ireland Order 1977 (basis of valuation in connection with farmhouses)—
- (a) after “agricultural land” there shall be inserted “or a fish farm”;
- (b) after “agricultural” where it twice occurs there shall be inserted “or, as the case may be, fish farming”.

#### *Planning*

##### *Fees for planning applications*

10. After Article 105 of the Planning (Northern Ireland) Order 1972 (a) there shall be inserted the following Article—

##### *“Fees for planning applications*

105A.—(1) The Department may by regulations make such provision as it thinks fit for the payment of a fee of the prescribed amount in respect of—

- (a) an application made to the Department under the Planning (Northern Ireland) Orders 1972 and 1978 for any permission, consent, approval or determination;
- (b) an appeal to the Planning Appeals Commission under those Orders.

(2) The regulations may provide for the remission or refunding of a prescribed fee (in whole or in part) in prescribed circumstances.”

##### *Increase of fines*

11.—(1) In each of the provisions of the Planning (Northern Ireland) Order 1972 set out in paragraph (2) (which provide that a person guilty of the offence referred to in that provision shall be liable on summary conviction to a fine not exceeding £400) for “£400” there shall be substituted “£1,000”.

(2) The provisions of the Planning (Northern Ireland) Order 1972 referred to in paragraph (1) are—

- (a) Article 32 (4) (demolition, alteration or extension of listed building without authorisation);
- (b) Article 40 (1) (contravention of tree preservation order);
- (c) Article 44 (1) (non-compliance with enforcement notice);

---

(a) S.I. 1972/1634 (N.I. 17).

- (d) Article 44 (5) (a) (contravention of enforcement notice concerning use of land);
- (e) Article 45 (7) (contravention of site notice or stop notice);
- (f) Article 104 (3) (knowingly making misstatement when required to give information as to land).
- (3) In Article 102 of the Planning (Northern Ireland) Order 1972—
- (a) in paragraph (2) (person obstructing person exercising right of entry liable on summary conviction to fine not exceeding £20) for “£20” there shall be substituted “£50”;
- (b) in paragraph (3) (person making unauthorised disclosure of information liable on summary conviction to fine not exceeding £100 or imprisonment for term not exceeding three months) for “£100” there shall be substituted “£1,000”.
- (4) In Article 6 (3) of the Planning (Amendment) (Northern Ireland) Order 1978 (a) (person using vehicle in contravention of order restricting or prohibiting use of vehicles on roads liable on summary conviction to fine not exceeding £50) for “£50” there shall be substituted “£100”.
- (5) This Article shall have effect only in relation to offences committed after the commencement thereof.

#### *Land*

##### *Power to dispose of land no longer required for purposes of new town*

12.—(1) In section 5 of the New Towns Act (Northern Ireland) 1965 (b) (which empowers the Department to dispose of land acquired by it for the purposes of a new town only where it is expedient for securing the development of the new town)—

- (a) after subsection (1) there shall be inserted the following subsection—
- “(1A) Where at any time it appears to the Department that any land acquired by the Department under section 4 for the purposes of a new town is no longer required by the Department for that purpose, the Department may, subject to subsection (2), dispose of that land to such persons, in such manner and on such terms or conditions as the Department thinks fit.”; and
- (b) in subsection (2) (which requires the Department to dispose of land under subsection (1) on the best available terms) for the words “Subsection (1)” there shall be substituted the words “Subsections (1) and (1A)”.

(2) Section 16 of the New Towns Act (Northern Ireland) 1965 (which restricts the power of new towns commissions, and of successors in title to such commissions, to dispose of land) shall cease to have effect.

##### *Power of Belfast City Council to develop certain industrial estates*

13.—(1) The Corporation shall be deemed always to have had power to hold and develop land as an industrial estate.

(2) The land to which this paragraph applies and all assets and liabilities of the Corporation held or incurred in connection with that land shall be deemed to have been transferred to the Belfast City Council on 1st October 1973.

---

(a) S.I. 1978/1048 (N.I. 18).

(b) 1965 c. 13 (N.I.).

(3) The Belfast City Council shall have, and be deemed always to have had, power to hold and develop as an industrial estate—

- (a) the land to which paragraph (2) applies; and
- (b) any adjacent land which, at the commencement of this Article, is developed by the Belfast City Council as part of an industrial estate.

(4) Paragraph (2) applies to land which—

- (a) immediately before 1st October 1973 was vested in the Corporation; and
- (b) at that date was developed by the Corporation as an industrial estate, other than land which, under the Local Government (Transfer of Assets, Liabilities, etc.) Order (Northern Ireland) 1973 (a), was transferred on that date to a government department.

(5) Paragraphs (1) to (4) shall have effect notwithstanding anything in any other statutory provision and in particular notwithstanding any provision made by or under the Local Government Act (Northern Ireland) 1972 (b); but—

- (a) subsections (3) and (5) of section 134 of the Local Government Act (Northern Ireland) 1972 shall apply in relation to this Order as they apply in relation to an order under that section; and
- (b) Articles 9, 12 and 13 of the Local Government (Transfer of Assets, Liabilities, etc.) Order (Northern Ireland) 1973 shall apply in relation to the transfer of land, assets and liabilities by virtue of this Article as they apply in relation to the transfer of assets and liabilities by virtue of that Order.

(6) In this Article—

“the Corporation” means the Corporation of the County Borough of Belfast acting by the Council thereof;

“develop”, in relation to land, includes—

- (a) erect, alter or extend buildings thereon;
- (b) carry out works thereon;
- (c) provide means of access, services and other facilities for persons using the land;
- (d) facilitate the doing of such things by another person.
- (e) manage and dispose of the land.

“industrial estate” means land developed as a place where trade, business and other commercial or industrial activities may be carried on.

#### *Repeals*

#### *Repeals*

14. The following statutory provisions are hereby repealed, namely—

- (a) in the New Towns Act (Northern Ireland) 1965, section 16 and in paragraph 2 of Schedule 4 the words from “or to dispose of land” to the end;
- (b) Articles 14 (1) (c) and 23 (3) (b) of the Planning (Northern Ireland) Order 1972;
- (c) Article 67 (1) of the Land Acquisition and Compensation (Northern Ireland) Order 1973 (c);

---

(a) S.R. 1973 No. 227.

(b) 1972 c. 9 (N.I.).

(c) S.I. 1973/1896 (N.I. 21).



- 
- (d) paragraph 2 (a) (ii) of Schedule 2, and paragraph 5 (b) of Schedule 7, to the Rates (Northern Ireland) Order 1977;
- (e) Article 8 (3) of the Rates (Amendment) (Northern Ireland) Order 1979 (a).

*N. E. Leigh,*  
Clerk of the Privy Council.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

Articles 3 to 9 amend the Rates (Northern Ireland) Order 1977. Articles 3 and 4 empower the Department of Finance by order to vary, respectively, the amount recoverable in respect of rates pending disposal of an application for revision of a new valuation list and the amount of certain allowances payable to an owner rated instead of the occupier. Article 5 extends the right to a reduction of rates on a dwelling-house to a private garage and private storage premises. Article 6 extends the right to pay rates by instalments to the occupiers of non-domestic hereditaments within certain rateable value limits. Article 7 enables the Department by order to specify in relation to a class of hereditament the time by reference to which values are determined for the purposes of a new valuation list and provides for the value to be ascribed to a hereditament in respect of which no time is specified. Article 7 also provides for net annual values ascribed by virtue of that Article to be adjusted by a method to be prescribed by order. Article 8 provides that future general revaluations shall take place in such years as the Department may by order prescribe. Article 9 provides a rating exemption for fish farms.

Articles 10 and 11 deal with planning matters. Article 10 gives power for fees to be charged in respect of all planning applications and appeals and Article 11 increases the level of fines under the Planning (Northern Ireland) Orders 1972 and 1978.

Article 12 empowers the Department of the Environment to dispose of land which it acquired under the New Towns Act (Northern Ireland) 1965 for the purpose of a new town but no longer required for that purpose. Article 13, which operates retrospectively, confirms the ownership of, and confers functions on, Belfast City Council in relation to two industrial estates in that city.



**1981 No. 438 (N.I. 14)**  
**NORTHERN IRELAND**  
**The Museums (Northern Ireland) Order 1981**

*Laid before Parliament in draft*

*Made* 18th March 1981

*Coming into Operation* 25th March 1981

ARRANGEMENT OF ORDER

PART I

INTRODUCTORY

Article

1. Title and commencement.
2. Interpretation.

PART II

THE ULSTER FOLK AND TRANSPORT MUSEUM  
AND THE ULSTER MUSEUM

3. Trustees of Ulster Folk and Transport Museum.
4. Trustees of Ulster Museum.
5. Powers of Trustees.
6. Director of the Museum.
7. Financial provisions.
8. Annual report and accounts.

PART III

MUSEUMS AND ART GALLERIES PROVIDED BY DISTRICT COUNCILS

9. Provision and maintenance of museums and art galleries by district councils.
10. Bye-laws concerning museums and art galleries.
11. Grants.
12. Repeal of Public Libraries Acts.

PART IV

AMENDMENT AND REPEALS

13. Amendment and repeals.

SCHEDULES:

Schedule 1—Provisions applying to Trustees of Ulster Folk and Transport Museum and of Ulster Museum.

Schedule 2—Repeals.