
STATUTORY INSTRUMENTS

1998 No. 3164

The Rates (Amendment) (Northern Ireland) Order 1998

Title and commencement

1.—(1) This Order may be cited as the Rates (Amendment) (Northern Ireland) Order 1998.

(2) This Order shall come into operation on such day or days as the Department of Finance and Personnel may by order appoint.

Interpretation

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

(2) In this Order “the principal Order” means the Rates (Northern Ireland) Order 1977.

Restriction on amount recoverable in certain cases by reference to new valuation list

3. Article 12 of the principal Order, which restricts, in certain circumstances, the amount of rates recoverable following a revaluation, shall cease to have effect.

Payment or collection of rates by owners by agreement

4. In Article 21 of the principal Order (payment or collection of rates by owners by agreement)—

(a) in paragraph (1)—

(i) for the words from “either” to the end of sub-paragraph (c) there shall be substituted “that he will pay the rates chargeable in respect of the hereditament whether it is occupied or not”;

(ii) for the words from “exceeding” onwards there shall be substituted “exceeding 10 per cent.”;

(b) paragraphs (5) and (6) shall be omitted.

General stores etc., in rural settlement

5.—(1) After Article 31B of the principal Order there shall be inserted—

“General stores etc., in rural settlements

31C. Schedule 9A (which provides for relief from rates for certain hereditaments in rural settlements) shall have effect.”

(2) After Schedule 9 to the principal Order there shall be inserted as Schedule 9A the provisions set out in Schedule 1 to this Order.

Crown property

6. After Article 37 of the principal Order there shall be inserted—

“Crown property

37A.—(1) The provisions of this Order and of any statutory instrument made under it shall apply to the Crown as they apply to other persons.

(2) Accordingly, liability to rates in respect of a hereditament is not affected by the fact that—

- (a) the hereditament is occupied by the Crown or by a person acting on behalf of the Crown or is used for Crown purposes, or
- (b) the Crown or a person acting on behalf of the Crown is the owner of the hereditament.

(3) In this Article “statutory instrument” has the meaning assigned to it by section 1(d) of the Interpretation Act (Northern Ireland) 1954.”

Pig testing station

7. In paragraph 3 of Schedule 1 to the principal Order (definition of livestock or poultry building)

- (a) in sub-paragraph (1)(a)(i) after “poultry” there shall be inserted “or is used for the scientific testing of livestock or poultry for the purposes of the improvement of breeding stock”;
- (b) in sub-paragraph (1)(a)(ii) after “poultry” there shall be inserted “or used for the scientific testing of livestock or poultry for the purposes of the improvement of breeding stock”.

Rating of prisons

8. In Schedule 5 to the principal Order (definition of “dwelling house”)—

(a) after paragraph 4 there shall be inserted—

“4A.—(1) Subject to sub-paragraph (2), a hereditament or part of a hereditament shall be deemed to be used wholly for the purposes of a private dwelling if—

- (a) it constitutes, or forms part of, a prison; and
- (b) it is used as one or more of the following—
 - (i) a cell (other than a special punishment cell);
 - (ii) a common recreational area (other than a sports hall or an uncovered area);
 - (iii) a library;
 - (iv) a chapel;
 - (v) a kitchen;
 - (vi) a dining room;
 - (vii) toilets;
 - (viii) personal washing facilities;
 - (ix) a laundry for the exclusive use of prisoners;
 - (x) a storage area which is within a cell block and which is used in connection with other premises covered by this head;
 - (xi) a corridor linking premises covered by this head; and
 - (xii) a boiler or plant room which to any extent serves other premises covered by this head.

(2) Without prejudice to sub-paragraph (1), so much of the prison in question which is used as a kitchen, dining-room, toilets or personal washing facilities provided for the exclusive use of persons employed in that prison shall not be deemed to be used wholly for the purposes of a private dwelling.”;

(b) in paragraph 5 at the end there shall be added—

“(d) “prison” includes a young offenders centre provided under section 2(a) of the Treatment of Offenders Act (Northern Ireland) 1968 and a remand centre provided under paragraph (b) of that section but does not include a naval, military or air force prison.”.

Sporting rights

9.—(1) In Schedule 10 to the principal Order (hereditaments)—

(a) entry 2 shall be omitted;

(b) in entry 3 for “rights of” there shall be substituted “a right of fowling, shooting, taking or killing game or rabbits, or”;

(c) in entry 8 at the end there shall be added “except any right excluded from entry 3”.

(2) In Schedule 12 to the principal Order (basis of valuation) at the end of Part I there shall be inserted—

“PART IA

SPORTING RIGHTS

1.—(1) This paragraph applies where—

(a) a hereditament consists wholly or in part of land on which a right of sporting is exercisable; and

(b) the right is not severed from the occupation of the land.

(2) For the purposes of determining the net annual value of the hereditament, the rent at which the hereditament might reasonably be expected to let shall be estimated as if the right of sporting did not exist.

(3) In this paragraph “right of sporting” means a right of fowling, shooting, taking or killing game or rabbits, or fishing.”.

Other amendments to the principal Order

10. The principal Order shall have effect subject to the amendments specified in Schedule 2, being minor amendments and amendments consequential upon the provisions of this Order.

Saving

11. Nothing in this Order shall affect the right of the Foyle Fisheries Commission to make and levy a rate on every fishery under section 22 of the Foyle Fisheries Act (Northern Ireland) 1952.

Repeals

12. The statutory provisions set out in Schedule 3 are hereby repealed to the extent specified in the third column of that Schedule.

Status: *This is the original version (as it was originally made).*

A.K. Galloway
Clerk of the Privy Council