

SCHEDULES

SCHEDULE 1

Article 5(2).

PROVISIONS INSERTED AS SCHEDULE 9A TO THE PRINCIPAL ORDER

“SCHEDULE 9A

RELIEF FROM RATES FOR GENERAL STORES ETC. IN RURAL SETTLEMENTS

Rural settlement list

1.—(1) The Department shall compile and maintain, in accordance with paragraph 2, a list (to be called its rural settlement list).

(2) The first rural settlement list shall have effect for a financial year or such lesser period ending on 31st March as the Department may determine and a subsequent list is to have effect for each financial year and shall identify for that year or period or, as the case may be, each financial year any settlements mentioned in sub-paragraph (3).

(3) The settlements referred to in sub-paragraph (2) are those which—

(a) appear to the Department to have had a population of not more than 3,000 on the last 31st December before the beginning of the financial year in question, and

(b) in that financial year are wholly or partly within an area designated by the Department by order subject to negative resolution as a rural area for the purposes of this paragraph.

(4) A rural settlement list shall identify the boundaries of each settlement (whether by defining the boundaries or referring to boundaries defined in a map or other document).

(5) An order under sub-paragraph (3)(b) may provide for designating as a rural area any area for the time being identified by any person, in any manner, specified in the order.

(6) Sub-paragraph (1) does not apply to the Department in respect of any financial year for which there are no such settlements as are mentioned in sub-paragraph (3) (and, accordingly, if the Department has compiled a rural settlement list, it shall cease to maintain that list).

Preparation and maintenance of lists

2.—(1) The Department shall, throughout the period of 3 months preceding the beginning of the first financial year or, as the case may be, period for which a rural settlement list is to have effect, make available for inspection a draft of the list in the form in which the Department proposes that it should have effect for that period.

(2) In each financial year for which a rural settlement list has effect the Department shall (if it appears to the Department that paragraph 1(1) will apply to the Department in respect of the financial year) review the list and consider whether or not, for the next financial year, any alterations are required to the list in order to give effect to paragraph 1(2).

(3) If following the review the Department considers that any such alterations are required for that year, it shall, throughout the 3 months preceding the beginning of that year, make available for inspection a draft of the list in the form in which it proposes that it should have effect for that year.

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(4) Where the Department has compiled a rural settlement list it shall make the list available for inspection in the form in which the list has effect for each financial year to which it relates.

(5) Where the Department is required to make any list or draft available under this paragraph, it shall make the list or draft available at any reasonable hour (and free of charge).

Mandatory relief

3.—(1) For any period in a financial year where sub-paragraph (2) applies to a hereditament, the rates leviable in respect of the hereditament are to be 50 per cent. of the rates which would have been leviable apart from this paragraph.

(2) This sub-paragraph applies where—

- (a) the hereditament is within a settlement identified in the Department's rural settlement list for the financial year in which the period falls,
- (b) the net annual value of the hereditament shown in the valuation list at the beginning of that financial year is not more than any amount specified by the Department of Finance and Personnel by order subject to negative resolution, and
- (c) during the period concerned—
 - (i) the whole or part of the hereditament is used as a qualifying general store or qualifying post office, or
 - (ii) any conditions specified by the Department of Finance and Personnel by order subject to affirmative resolution are satisfied;

and sub-paragraphs (3) to (5) apply for the purposes of this sub-paragraph.

(3) The whole or part of a hereditament is used as a qualifying general store for any period in a financial year if—

- (a) a trade or business consisting wholly or mainly of the sale by retail of both food for human consumption (excluding confectionery) and general household goods is carried on there, and
- (b) such a trade or business is not carried on in any other hereditament or part of a hereditament, in the settlement concerned.

(4) The whole or part of a hereditament is used as a qualifying post office for any period in a financial year if—

- (a) it is used for the purposes of the Post Office (within the meaning of the Post Office Act 1953), and
- (b) no other hereditament, or part of a hereditament in the settlement concerned is so used.

(5) Where a hereditament or part is used as a qualifying general store or qualifying post office for any period in a financial year, it is not to be treated as ceasing to be so used merely because the condition in sub-paragraph (3)(b) or (4)(b) ceases to be satisfied.

Discretionary relief

4.—(1) The Department, with the approval of the Department of Finance and Personnel and after consultation with the district council for the district in which the hereditament is situated, may reduce or remit any rate leviable in respect of a hereditament for any period in a financial year in which the condition mentioned in sub-paragraph (2) applies to the hereditament.

(2) The condition is—

- (a) that the hereditament is within a settlement identified in the Department’s rural settlement list for the financial year in which the period falls, and
 - (b) that the net annual value of the hereditament shown in the valuation list at the beginning of that financial year is not more than any amount specified by the Department of Finance and Personnel by order subject to negative resolution.
- (3) Where paragraph 3(2)(c) does not apply, the Department shall not, by virtue of this paragraph, make a reduction or remission unless it is satisfied that—
- (a) the hereditament is used for purposes which are of benefit to the local community, and
 - (b) it would be reasonable for the Department to make such a reduction or remission, having regard to the interests of persons liable to pay regional and district rates.

Grant of mandatory or discretionary relief

5. No reduction or remission of the rates leviable in respect of a hereditament under paragraph 3 or 4 shall be granted except on an application made to the Department by the person entitled to the reduction or remission and any such application shall contain such information as the Department may reasonably require.”.

SCHEDULE 2

Article 10.

OTHER AMENDMENTS TO THE PRINCIPAL ORDER

1. In Article 7(4) (making of rates) for “the” in the first place where it occurs substitute “a”.
2. In Article 8(1) (time of making of, determination of amount of, district rate) for “the” in the second place where it occurs substitute “a”.
3. In Article 9(1) for “the” in the first and second places where it occurs substitute “a”.
4. In Article 27 (reduction of regional rate on dwellings)—
 - (a) in paragraph (1) for “the” in the second place where it occurs substitute “a”;
 - (b) in paragraph (6), in the definition of “the normal regional rate”, for “the” in the fourth place where it occurs substitute “a”.
5. In Article 34(1) (payments to district councils on account of district rates) for “the” in the third place where it occurs substitute “a”.
6. In Article 50(3) (alteration in valuation lists by Commissioner) for “, (iv) or (v)” substitute “or (iv)”.
7. In Article 52(6)(ii) (notices or statements served by Commissioner) after “appellant” insert “and if requested by the council to do so”.
8. In Article 56(8) (service of certificates of alterations in valuation list)—
 - (a) omit sub-paragraph (a);
 - (b) in paragraph (b) at the end add “if requested by the council to do so”.
9. In paragraph 1 of Schedule 2 (definitions of industrial hereditaments) in the definition of “public supply undertaking” after “public, or” insert “for the treatment of sewage, or”.

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

SCHEDULE 3

Article 12.

REPEALS

Chapter or Number	Short title	Extent of repeal
1977 NI 28.	The Rates (Northern Ireland) Order 1977.	<p>Article 12.</p> <p>Article 21(5) and (6).</p> <p>Article 44(3).</p> <p>Article 50(1)(a)(v).</p> <p>Article 56(8)(a).</p> <p>In Schedule 10, entry 2.</p>