
STATUTORY INSTRUMENTS

2006 No. 2954

The Rates (Amendment) (Northern Ireland) Order 2006

PART IV

RELIEFS AND EXEMPTIONS ETC.

Persons with a disability

“Disability”

16.—(1) Article 2 of the principal Order (interpretation) shall be amended as follows.

(2) In paragraph (2), for the definition of “disabled person” there shall be substituted the following definition—

““disability” shall be construed in accordance with paragraph (2A);”.

(3) After paragraph (2) there shall be inserted the following paragraph—

“(2A) For the purposes of this Order a person has a disability if he—

- (a) is substantially and permanently disabled (whether by illness, injury, congenital deformity or otherwise); or
- (b) suffers from mental disorder within the meaning of the [Mental Health \(Northern Ireland\) Order 1986 \(NI 4\)](#).”.

Rate rebates for certain hereditaments with special facilities for persons with a disability

17.—(1) Article 31A of the principal Order (rate rebates for certain hereditaments with special facilities for persons with a disability) shall have effect as follows.

(2) In paragraph (1), for “, (8) and (11)” there shall be substituted “and (8)”.

(3) For paragraphs (2) and (3) there shall be substituted the following paragraphs—

“(2) This Article applies to—

- (a) a hereditament in which there is a facility which is required for meeting the needs of a person who resides in the hereditament and has a disability, including a facility of either of the following descriptions—
 - (i) a room, other than a kitchen, bathroom or lavatory, which is wholly or mainly used (whether for providing therapy or for other purposes) by such a person; or
 - (ii) an additional kitchen, bathroom or lavatory; and
- (b) a hereditament in which there is sufficient floor space to permit the use of a wheelchair used by and required for meeting the needs of a person who resides in the hereditament and has a disability.

(3) In paragraph (2)—

- (a) references to a person who resides in a hereditament include references to a person who is usually resident there; and
 - (b) subject to paragraph (3A), references to a facility or a wheelchair being required for meeting the needs of a person who has a disability are references to its being essential or of major importance to that person's well-being by reason of the nature and extent of the disability.
- (3A) A wheelchair is not required for meeting a person's needs if he does not need to use it within the living accommodation comprising or included in the hereditament."
- (4) In paragraph (4), for the words "disabled person" in both places where they occur there shall be substituted the words "person with a disability".
- (5) For paragraphs (10) and (11) (amount of rebate) there shall be substituted the following paragraph—
- "(10) The amount of a rebate shall be so much of the rates chargeable in respect of the hereditament for, or properly apportionable to, the rebate period or the relevant part of it as is referable to 25 per cent. of its rateable capital value."
- (6) Paragraph (11) shall be omitted.
- (7) After paragraph (11) there shall be inserted the following paragraph—
- "(11A) If the Department decides that an applicant for a rebate is not entitled to a rebate, it shall serve notice of its decision on the applicant."
- (8) For paragraph (12) there shall be substituted the following paragraphs—
- "(12) Any person who is aggrieved by a decision of the Department under paragraph (11A) may, within twenty-eight days of the service on him of a notice under that paragraph, apply to the Department for a review by the Department of its decision.
- (12A) The Department shall serve on that person a notice of the result of the review.
- (12B) If that person is dissatisfied with the result of the review, he may appeal to the Valuation Tribunal.
- (12C) The Department or any person aggrieved by a decision of the Valuation Tribunal under paragraph (12B) as being erroneous on a point of law may require the Valuation Tribunal to state and sign a case for the Court of Appeal."
- (9) After paragraph (13) there shall be added the following paragraph—
- "(14) Where the person entitled to a rebate under this Article is also entitled to a rebate under Article 30A in respect of the same hereditament and period, a rate relief scheme under that Article shall have effect as if the rates chargeable in respect of the hereditament for that period were reduced by the amount of the rebate under this Article."
- (10) In the heading to the Article, for the words "the disabled" there shall be substituted the words "persons with a disability".
- (11) Where Article 31A applied to a hereditament by virtue of a person's needs immediately before the commencement of paragraph (3), that Article shall continue to apply to that hereditament for so long as it would, but for that paragraph, have continued by virtue of that person's needs to do so.
- (12) Where the amount of a rebate granted under Article 31A not more than twelve months before the commencement of this paragraph in respect of a relevant hereditament by virtue of the needs of a person was a percentage greater than 25 per cent. of the relevant amount, paragraph (10) of that Article (as substituted by this Article) shall have effect, in relation to a rebate in respect of that hereditament by virtue of the needs of that person, as if for the reference to 25 per cent. there were substituted a reference to that greater percentage.

(13) In paragraph (12)—

“relevant amount”, in relation to a rebate granted as mentioned in that paragraph, means the amount of rates which would but for Article 31A have been chargeable—

- (a) in respect of the hereditament if it was a dwelling-house or a hereditament described in Article 31A(2)(c)(ii);
- (b) in any other case, in respect of the part of the net annual value of the hereditament apportioned to the use of the hereditament for the purposes of a private dwelling;

“relevant hereditament” means a dwelling-house or a hereditament described in Article 31A(2)(c)(ii) or used partly for the purposes of a private dwelling;

references in this paragraph to Article 31A(2)(c)(ii) being references to Article 31A(2)(c)(ii) as it had effect immediately before the commencement of paragraph (3) of this Article.