

SCHEDULES

SCHEDULE 1

Article 29(2).

SCHEDULE TO BE INSERTED IN PRINCIPAL ORDER AS SCHEDULE 9B

“SCHEDULE 9B

VALUATION TRIBUNAL

Introductory

1.—(1) In this Schedule—

“rules” means rules made under paragraph 7;

“the Tribunal” means the Valuation Tribunal.

(2) Until the commencement of section 5(1) of the Justice (Northern Ireland) Act 2002 (c. 26), references in this Schedule to the First Minister and deputy First Minister acting jointly or to the Office of the First Minister and deputy First Minister shall be construed as references to the Lord Chancellor.

Members

2.—(1) The Tribunal shall consist of the President and the other members of the Tribunal.

(2) The First Minister and deputy First Minister acting jointly shall appoint—

(a) a President of the Tribunal;

(b) other members of the Tribunal who must include—

(i) legal members;

(ii) members who have had experience in the valuation of land; and

(iii) ordinary members.

(3) A person may be appointed as the President or as a legal member of the Tribunal only if he is a barrister or solicitor of at least seven years' standing.

(4) The Lord Chief Justice may designate a legal member of the Tribunal to carry out the functions of the President when he is unable to act or when the office is vacant.

3.—(1) Subject to sub-paragraph (3), the members of the Tribunal shall hold and vacate office as such in accordance with the terms of their respective appointments.

(2) A person holding office as a member of the Tribunal may resign that office by giving notice in writing to the Office of the First Minister and deputy First Minister.

(3) A person holding office as a member of the Tribunal shall vacate his office on the day on which he attains the age of 70, unless the First Minister and deputy First Minister acting jointly authorise him to continue in office for a period or periods not exceeding one year and not extending beyond the day on which the person attains the age of 75.

Status: This is the original version (as it was originally made).

(4) Subject to sub-paragraph (3), a member of the Tribunal who ceases to hold office is eligible for re-appointment.

Remuneration etc.

4. The Office of the First Minister and deputy First Minister may pay to the members of the Tribunal such remuneration and allowances as the Office of the First Minister and deputy First Minister may determine.

Sittings

5. The Tribunal shall sit at such times and in such places as the President may direct in accordance with general arrangements made by the Lord Chancellor.

Tribunals

6. The jurisdiction of the Tribunal may be exercised by a single tribunal or by two or more tribunals if the President so directs.

Rules

7.—(1) The Lord Chancellor may make rules—

- (a) regulating the exercise of a right of appeal to the Tribunal;
- (b) about practice and procedure in relation to proceedings before the Tribunal.

(2) Nothing in paragraphs 8 to 13 affects the generality of sub-paragraph (1).

(3) Rules made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.

8. Rules may include provision—

- (a) determining by which tribunal any appeal is to be determined where the jurisdiction of the Tribunal is being exercised by more than one tribunal;
- (b) providing that the chairman of any such tribunal must be the President or a legal member;
- (c) determining which members of the Tribunal are to hear any appeal;
- (d) enabling functions of the Tribunal specified in the rules to be discharged by such person as may be determined by or under the rules.

9. Rules may include provision—

- (a) specifying the procedure to be followed for initiating an appeal (including the time within which an appeal must be brought);
- (b) authorising an appeal to be disposed of with the consent of the parties on the basis of written representations;
- (c) specifying the procedure to be followed before the hearing of an appeal;
- (d) authorising an appeal to be withdrawn in circumstances specified in the rules.

10. Rules may include provision that, subject to any other provision of the rules, the Tribunal may regulate its own procedure.

11.—(1) Rules may include provision—

- (a) for requiring hearings of appeals to take place in public except in circumstances specified in the rules;
- (b) for parties to the appeal to be represented by such persons as may be determined by or under the rules;
- (c) for authorising hearings of appeals to proceed in the absence of a party or parties to the appeal in circumstances specified in the rules;
- (d) for requiring persons to attend to give evidence and produce documents;
- (e) as to evidence generally (whether written evidence or oral evidence given under oath or affirmation);
- (f) as to the adjournment of hearings.

(2) Any person who without reasonable excuse fails to comply with any requirement imposed by virtue of sub-paragraph (1)(d) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

12. Rules may include provision—

- (a) that where two or more members of a tribunal are acting the decision of the majority is to prevail or, if the votes are equal, the chairman is to have a casting vote;
- (b) requiring reasons for a decision to be given;
- (c) authorising a decision to be given orally or in writing;
- (d) authorising or requiring an order to be made in consequence of a decision;
- (e) that an order may require a valuation list to be altered;
- (f) enabling the Tribunal to review its decisions, or to vary or revoke an order of the Tribunal, in such circumstances as may be determined in accordance with the rules.

13. Rules may include provision—

- (a) for the registration and proof of decisions and orders of the Tribunal;
- (b) authorising the correction of clerical errors in records of decisions and orders;
- (c) requiring decisions, orders and corrections to be communicated to the parties to appeals.

Directions

14. The President may, subject to rules, give directions about the practice and procedure of the Tribunal.”.

SCHEDULE 2

Article 39.

AMENDMENTS

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

1. In Part II of Schedule 1 (bodies of which all members are disqualified), insert the following entry at the appropriate place—

“The Northern Ireland Valuation Tribunal”.

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

The principal Order

- 2.—**(1) In Article 2 (interpretation), amend paragraph (2) as follows.
- (2) After “In this Order—” insert the following definition—
- ““the appropriate Tribunal” has the meaning given by Article 54(4);”.
- (3) In the definition of “the Department”, for “Finance” substitute “Finance and Personnel”.
- (4) In the definition of “hereditament”, for “the valuation list” substitute “a valuation list”.
- (5) In the definition of “net annual value”, for “to 39B” substitute “and 39A”.
- (6) In the definition of “the penultimate year”, for “the valuation list” substitute “a valuation list”.
- (7) After the definition of “prescribed” insert the following definitions—
- ““private garage” has the meaning given by paragraph 6 of Schedule 5;
- “private storage premises” has the meaning given by paragraph 7 of Schedule 5;”.
- (8) Omit the definition of “rack rent”.
- (9) After the definition of “rate” insert the following definitions—
- ““rateable capital value” and “rateable net annual value” shall be construed in accordance with paragraph 1 of Schedule 7;”.
- (10) In the definition of “regulations”, omit the words from “of the Environment” to “require”.
- (11) After the definition of “the valuation list” insert the following definition—
- ““the Valuation Tribunal” has the meaning assigned to it by Article 36A(2);”.
- 3.** In Article 4, after “private dwelling” add “and the definitions of “private garage” and “private storage premises” contained in paragraphs 6 and 7 of Schedule 5 shall have effect for the purposes of this Order”.
- 4.—**(1) Amend Article 5 (interpretation: definitions of “material change of circumstances” and “the time of valuation”) as follows.
- (2) For the words from “and, in” to “and 2” substitute “has the meaning assigned to it by paragraph 1”.
- (3) In the heading to that Article—
- (a) for “definitions” substitute “definition”;
- (b) omit “and “the time of valuation””.
- 5.** In Article 9 (levying of rates), in paragraph (5), for sub-paragraph (b) substitute the following sub-paragraph—
- “(b) any rateable net annual value or rateable capital value of the hereditament and, where different, any net annual value or capital value of the hereditament;”.
- 6.** In Article 10 (departures from valuation list in levying rates), in paragraph (1), for “the valuation list” substitute “a valuation list”.
- 7.—**(1) Amend Article 11 (appeal against rate) as follows.
- (2) In paragraph (2)—
- (a) in sub-paragraph (a), for “the valuation list” substitute “a valuation list”;
- (b) omit sub-paragraph (b);
- (c) in sub-paragraph (c), for “the valuation list” in both places where it occurs substitute “a valuation list”.

- (3) In paragraph (3)(b)—
- (a) for “the valuation list” where it first occurs substitute “any valuation list”;
 - (b) in head (i), for “the valuation list” substitute “any relevant list”;
 - (c) in head (ii), for “the net annual value” substitute “any net annual value or capital value”.
- 8.—(1) Amend Article 13 (effect of alteration in valuation list) as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraph (a)(iii), for “the valuation list last previously in force” substitute “a valuation list superseded by the new list to any extent in relation to the hereditament”;
 - (b) in sub-paragraph (e), for “to the Lands Tribunal” substitute “under Article 54 or 54A”.
- (3) For paragraph (1A) substitute the following paragraph—
- “(1A) Where an alteration falling within paragraph (1)(c)—
- (a) increases or decreases the net annual value ascribed to the hereditament by an amount not exceeding £250 or such other amount as the Department may by order subject to affirmative resolution substitute; or
 - (b) increases the capital value ascribed to the hereditament, falls within head (ii) of paragraph (1)(c) and is made by reason of any event which is a material change of circumstances such as is mentioned in paragraph 1(b) of Schedule 6,
- the alteration shall have effect on and after the date of the commencement of the year immediately following the year in which the alteration is made.”.
- (4) In paragraph (1C), for “the net annual value” substitute “any net annual value or capital value”.
- (5) In paragraph (1D), for “54” substitute “54A”.
- (6) For paragraph (2) substitute—
- “(2) Any question as to the appropriate date for the purposes of paragraph (1)(f)(ii)—
- (a) may be determined—
 - (i) by the Lands Tribunal if the question arises in connection with a decision of the Lands Tribunal on an appeal under this Order; or
 - (ii) by the Valuation Tribunal, subject to any determination by the Lands Tribunal under head (i), if it arises in connection with a decision of the Valuation Tribunal on an appeal under the succeeding provisions of this Order; or
 - (b) if it is not so determined, shall in the first instance be determined by the Department.”.
- (7) In paragraph (3), for sub-paragraphs (a) and (b) substitute the following sub-paragraphs—
- “(a) any person aggrieved by a determination made by the Department under that sub-paragraph may—
- (i) if the appropriate Tribunal is the Valuation Tribunal, appeal to the Valuation Tribunal;
 - (ii) in any other case, to the Lands Tribunal; and
- (b) on an appeal under sub-paragraph (a), the Tribunal to which the appeal is made may give such directions in the matter as it considers appropriate;
- and the Department and the Valuation Tribunal shall comply with any directions given to it under sub-paragraph (b).”.
- (8) In paragraph (4), for “the list” substitute “a valuation list”.

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

(9) In paragraph (5) for “the valuation list” substitute “a valuation list”.

9.—(1) Amend Article 14 (rating on basis of apportioned value in certain cases) as follows.

(2) In paragraph (1)—

(a) for “the valuation list” substitute “a valuation list”;

(b) after “net annual value” in both places where it occurs insert “or the capital value”.

(3) In paragraph (2)—

(a) after “net annual value” in the first two places where it occurs insert “or the capital value”;

(b) after “net annual value” in the last place where it occurs insert “or its capital value”;

(c) in sub-paragraph (iii) for “the valuation list” substitute “a valuation list”;

(d) for “the valuation list” in the last place where it occurs substitute “the appropriate valuation list”.

(4) In paragraph (3), for “21(1)(a) or (b)” substitute “21”.

10. In Article 15 (refund of overpayments), in paragraph (1)(b) for “list” substitute “lists”.

11.—(1) Amend Article 16 (certificates and statements as to rates, etc.) as follows.

(2) In paragraph (1)(a) for “or the rateable value” substitute “, the capital value or the rateable values”.

(3) In paragraph (3)(b), omit the words “or 1st October 1973, whichever is the later”.

12. In Article 19 (general provisions as to liability and assessment to rate), omit sub-paragraph (ii) of paragraph (4) (person not entitled to recover sum unless application made within three months of his ceasing to be occupier of hereditament).

13.—(1) Amend Article 30 (discount on rates on dwellings) as follows.

(2) In paragraph (2)(b), for “domestic element of the rateable value” substitute “rateable capital value”.

(3) Omit paragraph (4).

14.—(1) Amend Article 31 (reduction of rates on certain hereditaments used for recreation) as follows.

(2) In the following provisions for “valuation list” substitute “NAV list”—

(a) paragraph (2)(c);

(b) paragraph (3).

(3) In paragraph (4)—

(a) for “valuation list” where it first occurs substitute “NAV list”;

(b) in sub-paragraph (a), for “valuation list” substitute “list”.

(4) In paragraph (6), in the definition of “the normal rate”, after “in respect of” in the second place where it occurs insert “the rateable net annual value of”.

15.—(1) Amend Article 31B (rate rebates for certain hereditaments used by institutions for persons with a disability) as follows.

(2) In paragraph (3)(c) and (d), for “disabled persons” substitute “persons with a disability”.

(3) In paragraph (11), for “54” substitute “54A”.

(4) In the heading to that Article, for “the disabled” substitute “persons with a disability”.

- 16.**—(1) Amend Article 32 (proceedings for recovery of rates) as follows.
- (2) In paragraph (7)—
- (a) in sub-paragraph (b), for “the valuation list” substitute “a valuation list”;
 - (b) omit sub-paragraph (c);
 - (c) in sub-paragraph (d)(i) and (ii), for “the valuation list” substitute “a valuation list”.
- (3) In paragraph (8) for “section 72(1)” substitute “Article 63(1)”.
- 17.** In Article 33B (hardship relief), in paragraph (3), for sub-paragraph (a) substitute—
- “(a) has a net annual value; and”.
- 18.**—(1) Amend Article 39 (basis of valuation) as follows.
- (2) In paragraph (2)—
- (a) for “Articles 39A and 39B” substitute “Article 39A”;
 - (b) after “net annual value” insert “or the capital value”.
- (3) In paragraph (3)—
- (a) for “Where” substitute “Subject to paragraph (4), where”;
 - (b) after “net annual value” in both places where it occurs insert “or the capital value”.
- (4) After paragraph (3), add the following paragraph—
- “(4) Sub-paragraphs (b) and (c) of paragraph (3) shall not apply to orders under paragraph 7(4) or 12(3) of Part I of Schedule 12.”.
- 19.**—(1) Amend Article 39A (time by reference to which, and basis on which, valuations to be made for new valuation list) as follows.
- (2) In paragraph (1)—
- (a) for “a specified” substitute “any”;
 - (b) for “new valuation list” substitute “new NAV list”.
- (3) Omit paragraphs (2) and (3).
- (4) In the heading to that Article, for “new valuation list” substitute “new NAV list”.
- 20.** Omit Article 39B (adjusted net annual value).
- 21.** In Article 39C (rating of electricity licence holders), in paragraph (1), for “valuation list” substitute “NAV list”.
- 22.** In Article 39D (rating of gas licence holders, etc.), in paragraph (1), for “valuation list” substitute “NAV list”.
- 23.** In Article 39E (rating of hereditaments occupied for the purpose of water supply or sewerage services), in paragraph (1), for “valuation list” substitute “NAV list”.
- 24.**—(1) Amend Article 41 (distinguishment in valuation list of hereditaments used for public, charitable or certain other purposes) as follows.
- (2) In paragraph (1), the words “in the valuation list as exempt from rates” shall cease to have effect.
- (3) For paragraph (3) substitute the following paragraphs—
- “(3) The hereditament shall be distinguished—

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

- (a) in the capital value list, if it is used for domestic purposes which are also exempting purposes, as exempt from rates under that list to one-half of the extent to which it is so used;
- (b) in the NAV list, as exempt from rates under that list to the whole of the extent that it is used for exempting purposes which are not domestic purposes.

(3A) Where the hereditament is used otherwise than wholly for domestic purposes which are exempting purposes, the capital value of the hereditament shall be apportioned by the Commissioner or the district valuer between—

- (a) the use of the hereditament for domestic purposes which are exempting purposes; and
- (b) the use of the hereditament for other purposes (so far as relevant to its capital value);

and the apportionment shall be shown in the capital value list.

(3B) Where the hereditament is used otherwise than wholly for exempting purposes which are not domestic purposes, the net annual value of the hereditament shall be apportioned by the Commissioner or the district valuer between—

- (a) the use of the hereditament for exempting purposes which are not domestic purposes; and
- (b) the use of the hereditament for other purposes (so far as relevant to its net annual value);

and the apportionment shall be shown in the NAV list.

(3C) In paragraphs (3) to (3B) and (4), “exempting purposes” means purposes mentioned in sub-paragraph (a), (b)(i) or (ii), (c), (d) or (e) of paragraph (2).”.

(4) In paragraph (4), for the words from “the purposes” to “paragraph (2)” substitute “exempting purposes”.

25. In Article 41A(1) (distinguishment in valuation list of hereditaments occupied by certain bodies and used or made available for use for charitable purposes) and in the heading to that Article, for “valuation” substitute “NAV”.

26.—(1) Amend Article 42 (distinguishment in valuation list of certain other hereditaments exempted from rates) as follows.

- (2) In paragraph (1), for “valuation” substitute “NAV”.
- (3) In paragraph (1A), for “valuation” substitute “NAV”.
- (4) Omit paragraph (1D).
- (5) In paragraph (1E), omit “or (1D)”.
- (6) In the heading to that Article, for “valuation” substitute “NAV”.

27. In Article 43 (distinguishment in valuation list of industrial hereditaments) and in the heading to that Article for “valuation” in each place where it occurs substitute “NAV”.

28.—(1) Amend Article 44 (other matters required or authorised to be entered in valuation list) as follows.

- (2) Omit paragraphs (1) and (2).
- (3) In paragraph (2A), for “valuation list” in each place where it occurs substitute “NAV list”.
- (4) After paragraph (2A) add the following paragraph—

“(2B) References in paragraph (2A)(b) to the hereditament shall not include any part of the hereditament which is used for the purposes of a private dwelling.”.

29.—(1) Amend Article 47 (supply of copies of valuation lists, etc., and of information) as follows.

- (2) In paragraph (2), for “rateable value” substitute “rateable values, capital value”.
- (3) Omit paragraph (4).

30.—(1) Amend Article 49 (revision of the valuation list, and alteration, by district valuer) as follows.

- (2) In paragraph (1)—
 - (a) for “Article” substitute “paragraph (6) and Articles 49A and”;
 - (b) for “the valuation list” in both places where it occurs substitute “a valuation list”;
 - (c) in sub-paragraph (b), for “the list” substitute “that or any other list”.
- (3) In paragraph (2), omit “in the valuation list”.
- (4) In paragraph (3), omit “in the valuation list”.
- (5) In paragraph (5), for “a new valuation list” substitute “the valuation list in question”.
- (6) In the heading to that Article omit “the”.

31.—(1) Amend Article 50 (alteration in the valuation list by Commissioner) as follows.

- (2) For “the valuation list” in each place where it occurs substitute “a valuation list”.
- (3) In paragraph (1)(a), for head (iv) substitute the following head—

“(iv) to show the net annual value of the hereditaments occupied by a dock authority which are mentioned in Part X of Schedule 12 or by a holder of a licence or an exemption under Part II of the Electricity (Northern Ireland) Order 1992 or Part II of the Gas (Northern Ireland) Order 1996 or by a water undertaker or sewerage undertaker;”.
- (4) In the heading to that Article omit “the”.

32.—(1) Amend Article 51 (appeal to Commissioner against alteration of, or decision not to alter, the valuation list, or review by Commissioner of certain alterations made by him in the list) as follows.

- (2) For paragraph (1) substitute the following paragraphs—
 - “(1) Any person other than the Department who is aggrieved by an alteration which the district valuer has caused to be made in a valuation list may, within twenty-eight days of the service on him of the certificate of alteration appeal to the Commissioner against the alteration.
 - (1A) Any person other than the Department who is aggrieved by a decision of the district valuer not to cause a valuation list to be altered in consequence of an application by him for the revision of that list may, within twenty-eight days from the date of service on him of the notice of the decision, appeal to the Commissioner against the decision.
 - (1B) Paragraph (1A) does not apply to a decision under Article 49(6).”.
- (3) In paragraph (2)—
 - (a) omit the words from “of the Environment” to “Personnel”;
 - (b) for “the valuation list” substitute “a valuation list”.
- (4) In paragraph (4), after “paragraph (1)” insert “, (1A)”.

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

(5) In the heading to that Article omit “the” in both places where it occurs.

33.—(1) Amend Article 52 (procedure on appeal to Commissioner) as follows.

(2) In paragraph (1) omit “in the valuation list”.

(3) In paragraph (3)—

(a) in sub-paragraph (a) after “list” insert “in question”;

(b) in sub-paragraph (b) omit “in the valuation list”.

(4) In paragraph (4)—

(a) for “the valuation list” where it first occurs substitute “a valuation list”;

(b) omit “in the valuation list” in the second place where it occurs;

(c) in sub-paragraph (a) for “the valuation list” substitute “that list”;

(d) in sub-paragraph (b) for “the valuation list” substitute “any valuation list”.

(5) After paragraph (4) insert the following paragraphs—

“(4A) Where the valuation list is a capital value list—

(a) the Commissioner shall complete his review and make his decision under paragraph (4)—

(i) within twenty-eight days from the date of service on him of the notice of appeal under Article 51; or

(ii) within such further period or periods (none of which shall exceed twenty-eight days) as he specifies in a notice, stating the reason for the delay, served by him on the appellant before the expiration of the immediately preceding period; and

(b) the Commissioner shall for the purposes of paragraph (4)(b) have regard to the assumptions mentioned in paragraphs 9 to 12(1) and 13 to 15 of Part I of Schedule 12.

(4B) Where the date referred to in paragraph (4A)(a)(i) falls before the first anniversary of the coming into force of the capital value list in question, that paragraph shall have effect as if the reference in sub-paragraph (a)(i) to twenty-eight days were a reference to six months.”.

(6) In paragraph (5) for “the valuation list” substitute “any valuation list”.

(7) In paragraph (6)(b) omit “in the valuation list”.

34. In Article 53 (power of Commissioner to transfer appeal to Lands Tribunal), in paragraph (2) (a), for “(2)” substitute “(3)”.

35.—(1) Amend Article 55 (review of revision of valuation list made while appeal pending) as follows.

(2) In paragraph (1), for “to the Lands Tribunal” substitute “under Article 54 or 54A”.

(3) In paragraph (4), for “54” substitute “54A”.

36.—(1) Amend Article 56 (supplementary provisions as to alterations, etc.) as follows.

(2) In paragraph (6)—

(a) for “the valuation list or in” substitute “a valuation list (including”;

(b) for “force” substitute “force)”.

(3) In paragraph (7)—

- (a) for “the valuation list” substitute “a valuation list”;
 - (b) for “on an appeal made or transferred to the Tribunal under this Part” substitute “or the Valuation Tribunal under this Order”;
 - (c) for “the Tribunal” substitute “that Tribunal”.
- (4) In paragraph (8)—
- (a) for “alterations in the valuation list” substitute “alteration”;
 - (b) at the end of sub-paragraph (d), omit “and”;
 - (c) after sub-paragraph (e) add “and
 - (f) a water undertaker or sewerage undertaker if it so requests.”.

37.—(1) Amend Article 60 (offences) as follows.

- (2) In paragraph (1), for “59(1) or (2)” substitute “59”.
- (3) In paragraph (3)—
 - (a) after “any person” insert “for the purpose of any application under this Order or”;
 - (b) for “or 26, or in a return made under Article 59(1) or (2)” substitute “, 26 or 59”;
 - (c) omit “to imprisonment for a term not exceeding three months or” and “, or to both”.

38.—(1) Amend Article 61 (regulations) as follows.

- (2) In paragraph (1)(b), for “or 51(1), (2) or (4)” substitute “51(1), (1A), (2) or (4), or 52(4A) or (4B)”.
- (3) Omit paragraph (1A).
- (4) For paragraph (2) substitute the following paragraphs—
 - “(2) Regulations shall not be made under Article 18(2) or 29A or paragraph 8 of Schedule 5 unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.
 - (2A) Regulations made under Article 23A or paragraph (1)(b) shall be subject to affirmative resolution.
 - (2B) Regulations made under provisions of this Order other than those to which paragraphs (2) and (2A) apply shall be subject to negative resolution.”.

39.—(1) Amend Article 62 (service of documents) as follows.

- (2) In paragraph (1)(b)—
 - (a) omit “by the district valuer” in both places where it occurs;
 - (b) for “the valuation list” in both places where it occurs substitute “a valuation list”.
- (3) In paragraph (2)—
 - (a) omit “of the Environment”;
 - (b) in sub-paragraph (a), for “that” substitute “the”.

40. In Schedule 2 (definitions relating to industrial hereditaments), in paragraph 1, in the definition of “industrial hereditament” for “for which the net annual value is apportioned under Article 44(2) as being” substitute “which is”.

41.—(1) Amend Schedule 5 (definition of “dwelling-house”, etc.) as follows.

- (2) For paragraph 1 substitute the following paragraph—

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

“1. In this Order—

“dwelling-house” means, subject to paragraphs 2 to 5, a hereditament used wholly for the purposes of a private dwelling;

“private garage” has the meaning given by paragraph 6;

“private storage premises” has the meaning given by paragraph 7.”.

(3) In paragraph 2, after sub-paragraph (4), add the following sub-paragraph—

“(5) The following shall be deemed not to be used for the purposes of a private dwelling—

(a) so much of an area of a caravan site which is valued as a single hereditament under sub-paragraph (1) of paragraph 2 of Part XIII of Schedule 12 as is not in the occupation of the site operator;

(b) a caravan pitch which is a separate hereditament in the circumstances mentioned in that sub-paragraph but in relation to which the district valuer has not exercised the power conferred by that sub-paragraph.”.

(4) In paragraph 3(a) and (b), after “garden,” insert “park, pleasure ground,”.

(5) In paragraph 4(2), for “the hereditament, to the extent of so much of its net annual value as is apportioned to that part,” substitute “that part”.

(6) After paragraph 4 insert the following paragraph—

“4ZA.—(1) A hereditament or part of a hereditament shall be deemed not to be used for the purposes of a private dwelling if it is—

(a) held by the Secretary of State for the purposes of armed forces accommodation; and

(b) situated within the perimeter of a military establishment.

(2) In this paragraph “military establishment” means an establishment used by any of Her Majesty’s forces.”.

(7) Omit paragraph 4A.

(8) In paragraph 5—

(a) for “this Schedule” substitute “paragraphs 1 to 4ZA”;

(b) omit sub-paragraph (d).

(9) After paragraph 5 add the following paragraphs—

“6.—(1) In this Order “private garage” means, subject to sub-paragraph (2), a hereditament which is used wholly or mainly for the accommodation of a motor vehicle.

(2) For the purposes of sub-paragraph (1) a hereditament which is used—

(a) for the purposes of a trade or business; or

(b) by a charity, a public body or any other body that is not established or conducted for profit,

is not a private garage.

(3) In sub-paragraph (2)—

“charity” means a body established for charitable purposes only;

“public body” means—

(a) a body established by or under a statutory provision; or

(b) a department of the Government of the United Kingdom.

7.—(1) In this Order “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 of domestic articles belonging to the residents.

(2) In sub-paragraph (1)—

“domestic articles” means—

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

“residents” means persons residing in the dwelling-house or dwelling-houses referred to in sub-paragraph (1).

8. The Department may by regulations modify paragraphs 1 to 7.”.

42.—(1) Amend Schedule 6 (definitions of “material change of circumstances” and “the time of valuation”) as follows.

(2) Omit paragraph 2.

(3) In the heading to the Schedule—

- (a) for “DEFINITIONS” substitute “DEFINITION”;
- (b) omit “AND “THE TIME OF VALUATION””.

43.—(1) Amend Schedule 7 (rateable value of hereditaments) as follows.

(2) For paragraph 2 (hereditaments wholly exempt from rates) substitute the following paragraph—

“2.—(1) Where a hereditament is distinguished in the NAV list as wholly exempt from rates under that list, its rateable net annual value shall be nil.

(2) Where a hereditament is distinguished in the capital value list as wholly exempt from rates under that list, its rateable capital value shall be nil.”.

(3) Amend paragraph 3 (hereditaments partially exempt from rates) as follows—

(a) for sub-paragraph (1) substitute the following sub-paragraphs—

“(1) Where a hereditament is distinguished in the NAV list under Article 41 as partially exempt from rates under that list, its rateable net annual value shall be the whole of so much of its net annual value as is shown in that list under paragraph (3B) of that Article as apportioned to the use of the hereditament for other purposes (so far as relevant to its net annual value).

(1A) Where a hereditament is distinguished in the capital value list under Article 41 as exempt from rates under that list to one-half of the extent to which it is used for domestic purposes which are also exempting purposes, its rateable capital value shall be—

- (a) one-half of its capital value if it is wholly used for domestic purposes which are also exempting purposes; or
- (b) if an apportionment is shown in the capital value list under paragraph (3A) of that Article, the aggregate of—
 - (i) one-half of so much of its capital value as is shown in the capital value list as apportioned to the use of the hereditament for domestic purposes which are also exempting purposes; and
 - (ii) the whole of so much of the capital value as is shown in the capital value list as apportioned to the use of the hereditament for other purposes (so far as relevant to its capital value).

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

- (1B) In sub-paragraphs (1) and (1A) “domestic purposes” and “exempting purposes” have the same meaning as in Article 41.”;
- (b) in sub-paragraph (2)—
- (i) in head (b) for “valuation list” substitute “NAV list”;
 - (ii) for the words from “rateable value” to the end substitute “rateable net annual value shall be the same proportion of its net annual value as its rateable value was of its net annual value immediately before the commencement of the amendments of this sub-paragraph by Schedule 2 to the Rates (Amendment) (Northern Ireland) Order 2006”;
- (c) in sub-paragraph (3)—
- (i) for “the valuation list” substitute “the NAV list”;
 - (ii) for the words from “rateable value” to the end substitute “rateable net annual value shall be the same proportion of its net annual value as its rateable value was of its net annual value immediately before the commencement of the amendments of this sub-paragraph by Schedule 2 to the Rates (Amendment) (Northern Ireland) Order 2006”;
- (d) in sub-paragraph (4)—
- (i) for “the valuation list” substitute “the NAV list”;
 - (ii) for the words “rateable value” in both places where they occur substitute “rateable net annual value”;
- (e) after sub-paragraph (4) insert the following sub-paragraph—
- “(4A) Where the original hereditament ceased to be so occupied before the commencement of the insertion of this paragraph by Schedule 2 to the Rates (Amendment) (Northern Ireland) Order 2006, the second reference in sub-paragraph (4) to its rateable net annual value shall be construed as a reference to its rateable value.”.
- (4) For paragraph 3A substitute the following paragraph—
- “3A.** Where—
- (a) only part of a hereditament is situated within an enterprise zone; and
 - (b) the hereditament is distinguished in the NAV list under Article 42(1B) as partially exempt from rates,
- its rateable net annual value shall be so much of its net annual value as is shown in the NAV list as apportioned to that part of the hereditament which is not situated within an enterprise zone.”.
- (5) Amend paragraph 4 (industrial hereditaments) as follows—
- (a) in sub-paragraph (2)—
 - (i) for “the valuation list” substitute “the NAV list”;
 - (ii) for “rateable value” substitute “rateable net annual value”;
 - (b) in sub-paragraph (3), for “rateable value” substitute “rateable net annual value”.
- (6) In paragraph 4A (freight-transport hereditaments), in sub-paragraph (2)—
- (a) for “the valuation list” substitute “the NAV list”;
 - (b) for “rateable value” substitute “rateable net annual value”.
- (7) In paragraph 4B (hereditaments occupied and used partly for industrial purposes or transport purposes and partly for other purposes)—
- (a) for “valuation list” substitute “NAV list”;
 - (b) for “rateable value” substitute “rateable net annual value”.

(8) In the heading to that Schedule, “for “VALUE” substitute “VALUES”.

44.—(1) Amend paragraph 4 of Schedule 8 (incidence of rates) as follows.

(2) In sub-paragraph (1)—

- (a) for “if the rateable value is reduced” substitute “if the amount payable by way of rates is reduced in consequence of the alteration;
- (b) for “if the rateable value is increased” substitute “if the amount payable by way of rates is increased in consequence of the alteration”;
- (c) omit the words “at the rate in the pound current for the time being”.

(3) After sub-paragraph (1) insert the following sub-paragraph—

“(1A) For the purposes of sub-paragraph (1)(a) the rateable value of a hereditament is altered if—

- (a) the rateable net annual value or the rateable capital value is altered;
- (b) the hereditament becomes liable, or ceases to be liable, to be valued upon an estimate of its net annual value or its capital value.”.

45.—(1) Amend Schedule 8A (unoccupied hereditaments) as follows.

(2) In paragraph 3(5), omit head (ii).

(3) In paragraph 5(2)—

- (a) for “65” in both places where it occurs substitute “80”;
- (b) for “valuation list” in both places where it occurs substitute “NAV list”.

(4) In paragraph 6(1), for “the disabled)” substitute “persons with a disability”.

(5) In paragraph 8(1), for “59” substitute “58”.

46.—(1) Amend Schedule 9 (payment of rates on dwellings by instalments) as follows.

(2) In paragraph 5, omit “(apart from any rebate under Article 28)”.

(3) In the heading to that Schedule, omit “ON DWELLINGS”.

47.—(1) Amend Schedule 9A (relief from rates for general stores etc. in rural settlements) as follows.

(2) In paragraph 3(2)(b), for “valuation list” substitute “NAV list”.

(3) In paragraph 4—

- (a) in sub-paragraph (1), omit “with the approval of the Department of Finance and Personnel and”;
- (b) in sub-paragraph (2)(b), for “valuation list” substitute “NAV list”.

48.—(1) Amend Schedule 12 (basis of valuation) as follows.

(2) In Part I (general rule)—

(a) in paragraph 2(1)—

- (i) for “the valuation list” where it first occurs substitute “a valuation list”;
- (ii) for “the valuation list” in the second place where it occurs substitute “that list”;

(b) omit paragraph 3.

(3) In paragraph 1 of Part 1A (sporting rights), after sub-paragraph (2) insert the following sub-paragraph—

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

“(2A) For the purposes of determining the capital value of the hereditament, the right of sporting shall be treated as if it did not exist.”.

(4) In Part II (farmhouses etc.), the existing provision shall become paragraph 1 and after it add the following paragraph—

“2. The capital value of a house occupied and used as mentioned in paragraph 1 shall be estimated on the assumption (in addition to those mentioned in Part I) that the house will always be so occupied and used.”.

(5) In Part IV (railways), in paragraph 2, for “valuation list” wherever it occurs substitute “NAV list”.

(6) In Part XIII (caravan sites)—

(a) omit paragraph 2(2) and (3);

(b) in paragraph 3(1), for “valuation list” substitute “NAV list”.

49.—(1) Amend Schedule 14 (distinguishment of industrial hereditaments and freight-transport hereditaments) as follows.

(2) In paragraph 2(1) for “valuation list” substitute “NAV list”.

(3) In paragraph 3—

(a) in sub-paragraph (1)—

(i) for “valuation list” substitute “NAV list”;

(ii) at the end add “(so far as relevant to its net annual value)”;

(b) in sub-paragraph (2), for “valuation list” substitute “NAV list”.

50. In Part II of Schedule 16 (transitional provisions, etc.), in paragraph 5, for “valuation list within the meaning of this Order” substitute “NAV list or the capital value list”.

The Rates (Amendment) (Northern Ireland) Order 2004 (NI 4)

51. In paragraph 9(b) of Schedule 3 (amendments), for “paragraphs (4) and (5)” substitute “paragraph (4)”.

The Rates (Capital Values, etc.) (Northern Ireland) Order 2006 (NI 4)

52.—(1) Amend Article 12 (repeal of Article 41(2)(f) of principal Order with savings, etc.) as follows.

(2) In paragraph (2), for “continue to be distinguished” substitute “be distinguished in the NAV list”.

(3) In paragraph (3), for “valuation list” in the second place where it occurs substitute “NAV list”.

(4) In paragraph (4), for “valuation list” substitute “NAV list”.

(5) In paragraph (5)(a), for “valuation list” substitute “NAV list”.

(6) After paragraph (5) insert the following paragraph—

“(5A) In this Article “NAV list” has the same meaning as in the principal Order.”.

SCHEDULE 3

Article 41.

REPEALS

Short Title	Extent of repeal
Rates (Northern Ireland) Order 1977 (NI 28).	<p>In Article 2(2), the definition of “rack rent” and in the definition of “regulations”, the words from “of the Environment” to “require”</p> <p>In the heading to Article 5, the words “and “the time of valuation””.</p> <p>Article 11(2)(b).</p> <p>In Article 15(1), “, 27(5)(a)”.</p> <p>In Article 16(3)(b), the words “or 1st October 1973, whichever is the later”.</p> <p>Article 19(4)(ii).</p> <p>In Article 26A—</p> <p>(a) in paragraph (1), the words “Subject to paragraph (2),”;</p> <p>(b) paragraph (2).</p> <p>Article 27.</p> <p>In Article 29—</p> <p>(a) in paragraph (1), the words “Subject to paragraph (1A)”;</p> <p>(b) paragraph (1A);</p> <p>(c) in the heading to the Article, the words “on dwellings”.</p> <p>Article 30(4).</p> <p>Article 31A(11).</p> <p>Article 32(7)(c).</p> <p>Article 39A(2) and (3).</p> <p>Article 39B.</p> <p>In Article 41—</p> <p>(a) in paragraph (1), the words “in the valuation list as exempt from rates”;</p> <p>(b) in paragraph (8), the words “an interest in which belongs to, or to trustees for, a religious body and” and in sub-</p>

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

Short Title	Extent of repeal
	paragraph (a), the words “(in right of that interest)”.
	<p>In Article 42—</p> <ul style="list-style-type: none"> (a) in paragraph (1A)(b), the words “(within the meaning of Article 27)”; (b) paragraph (1D); (c) in paragraph (1E), the words “or (1D)”.
	Article 44(1) and (2).
	Article 47(4).
	<p>In Article 49—</p> <ul style="list-style-type: none"> (a) in paragraph (2), the words “in the valuation list”; (b) in paragraph (3), the words “in the valuation list”; (c) in the heading to the Article, the word “the”.
	In the heading to Article 50, the word “the”.
	<p>In Article 51—</p> <ul style="list-style-type: none"> (a) in paragraph (2), the words from “of the Environment” to “Personnel”; (b) in the heading to the Article, the word “the” in both places where it occurs.
	<p>In Article 52, the words “in the valuation list” in paragraphs (1) and (3)(b), in the second place where they occur in paragraph (4), and in paragraph (6)(b).</p>
	<p>In Article 56(8), the word “and” at the end of sub-paragraph (d).</p>
	<p>In Article 60—</p> <ul style="list-style-type: none"> (a) in paragraph (3), the words “to imprisonment for a term not exceeding three months or” and “, or to both”; (b) in paragraph (4), the words “, other than the occupier or owner of land,”.
	<p>In Article 61—</p> <ul style="list-style-type: none"> (a) in paragraph (1)(b), “12(1)(c),”; (b) paragraph (1A).
	<p>In Article 62—</p> <ul style="list-style-type: none"> (a) in paragraph (1)(b), the words “by the district valuer” in both places where they occur;

Short Title	Extent of repeal
	(b) in paragraph (2), the words “of the Environment”.
	In Schedule 5, paragraphs 4A and 5(d).
	In Schedule 6—
	(a) paragraph 2;
	(b) in the heading to that Schedule, the words “AND “THE TIME OF VALUATION””.
	In Schedule 8, in paragraph 4(1), the words “at the rate in the pound current for the time being”.
	In Schedule 8A, paragraph 3(5)(ii).
	In Schedule 9—
	(a) in paragraph 5, the words “(apart from any rebate under Article 28)”;
	(b) in the heading to that Schedule, the words “ON DWELLINGS”.
	In Schedule 9A—
	(a) in paragraph 3(2)(b) and (c)(ii), the words “of Finance and Personnel”;
	(b) in paragraph 4—
	(i) in sub-paragraph (1), the words “with the approval of the Department of Finance and Personnel and”;
	(ii) in sub-paragraph (2)(b), the words “of Finance and Personnel”.
	In Schedule 12—
	(a) in Part I, paragraph 3;
	(b) in Part XIII, paragraph 2(2) and (3).
	In Part I of Schedule 16, paragraphs 1 to 7 and 9 to 14.
Rent (Northern Ireland) Order 1978 (NI 20).	In Schedule 8, paragraph 10.
Rates Amendment (Northern Ireland) Order 1979 (NI 4).	Article 8(4).
Local Government, Planning and Land (Northern Ireland) Order 1981 (NI 13).	In Article 6, the words from “at the beginning” to “(1A) and” and the words from “; and after” to the end.
	Article 8.
Departments (Northern Ireland) Order 1982 (NI 6).	In Schedule 3, the entry relating to the Rates (Northern Ireland) Order 1977.

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

Short Title	Extent of repeal
Rates (Amendment) (Northern Ireland) Order 1983 (NI 7).	Article 5(2).
Rates (Amendment) (Northern Ireland) Order 1996 (NI 25).	Article 3.
Rates (Capital Values, etc.) (Northern Ireland) Order 2006 (NI 4).	Article 12(7)(b)(i) and (8)(a). Article 14(3).