



Rates (Amendment) Act (Northern Ireland) 2009

2009 CHAPTER 8

An Act to amend the Rates (Northern Ireland) Order 1977; to make provision relating to the sharing of certain social security information with the Department of Finance and Personnel and others; and to confer a temporary power to make grants to district councils. [3rd November 2009]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Temporary reduction of rates for specified hereditaments

Temporary reduction of rates for specified hereditaments

1 For Article 31C of the principal Order (general stores etc., in rural settlements) there shall be substituted the following Article—

“Temporary reduction of rates for specified hereditaments

31C.—(1) Regulations may provide that the amount which, apart from the regulations, would be payable on account of a rate in respect of the net annual value of a specified hereditament for a specified year shall be reduced by a specified percentage if—

- (a) the net annual value of the hereditament does not exceed a specified amount; and

(b) specified conditions are satisfied.

(2) In this Article—

“specified” means specified in regulations;

“specified hereditament” means a hereditament which falls within a specified class;

“specified percentage” includes a hundred per cent.

(3) Regulations may contain such provision as the Department considers necessary or expedient for the purposes of this Article.”.

Energy efficiency

Zero-carbon or low-carbon homes

2 After Article 30B of the principal Order (dwellings occupied by persons under 18 and persons in education and training or leaving care) there shall be inserted the following Article—

“Zero-carbon or low-carbon homes

30C.—(1) Regulations may provide that, if prescribed conditions are satisfied, the first occupier of a newly-constructed dwelling-house which is—

(a) a low-carbon home; or

(b) a zero-carbon home,

shall not be chargeable in respect of it to rates in respect of a prescribed period.

(2) In the case of a low-carbon home the prescribed period for the purposes of paragraph (1) shall not—

(a) exceed two years; or

(b) begin after 31st March 2013.

(3) In the case of a zero-carbon home the prescribed period for the purposes of paragraph (1) shall not—

(a) exceed five years; or

(b) begin after 31st March 2016.

(4) The Department may by order made subject to affirmative resolution—

(a) substitute a later date for the dates mentioned in paragraphs (2)(b) and (3)(b);

(b) make transitional provision, or provide savings, in connection with the effect of paragraphs (2) and (3).

(5) In this Article the following expressions shall have such meaning as may be prescribed—

- “first occupier”,
- “hereditament in the private rented sector”,
- “low-carbon home”,
- “newly-constructed”, and
- “zero-carbon home”.

(6) Regulations for the purposes of paragraph (5) may define “low-carbon home” and “zero-carbon home” by reference to specified aspects of the energy efficiency of a building; and for this purpose “energy efficiency” includes—

- (a) consumption of energy;
- (b) conservation of energy; and
- (c) generation of energy.

(7) Regulations for the purposes of paragraph (5) defining “low-carbon home” and “zero-carbon home” may include requirements which may be satisfied in relation to a dwelling-house either—

- (a) by features of the building which, or part of which, constitutes the dwelling-house; or
- (b) by other installations or utilities.

(8) Regulations may—

- (a) make provision about the method of claiming relief under this Article (including documents or information to be provided);
- (b) provide for relief to be wholly or partly withdrawn in prescribed circumstances.

(9) Regulations made by virtue of paragraph (8)(a) may, in particular, make provision about the evidence to be provided to show that the definition of “low-carbon home” or “zero-carbon home” is satisfied.

(10) Regulations made by virtue of paragraph (9) may, in particular—

- (a) refer to a scheme or process established by or for the purposes of a statutory provision about building;
- (b) establish or provide for the establishment of a scheme or process of certification;
- (c) specify, or provide for the approval of, one or more schemes or processes for certifying energy efficiency;
- (d) provide for the charging of fees of a reasonable amount in respect of services provided as part of a scheme or process of certification.

(11) Regulations may provide that—

- (a) a person aggrieved by a decision of the Department under the regulations may—
 - (i) require the Department to review its decision; and
 - (ii) appeal to the Valuation Tribunal;
 - (b) the Department or any person aggrieved by a decision of the Valuation Tribunal on an appeal by virtue of sub-paragraph (a) as being erroneous on a point of law may require the Valuation Tribunal to state and sign a case for the Court of Appeal.
- (12) This Article shall not apply to—
- (a) a dwelling-house which is a hereditament in the social sector (within the meaning of Article 23A);
 - (b) a dwelling-house which is a hereditament in the private rented sector; and
 - (c) such other dwelling-houses as may be prescribed.
- (13) Regulations for the purposes of paragraph (1) may prescribe a period beginning before the making of the regulations but not earlier than the beginning of the year in which the regulations are made.
- (14) Regulations may make such provision as the Department considers necessary or expedient for the purposes of this Article.”.

Energy efficiency

3 After Article 30C of the principal Order (inserted by section 2) there shall be inserted the following Article—

“Energy efficiency

30D.—(1) Regulations may provide that, in prescribed cases, the amount which, apart from this Article, would be payable in respect of a prescribed period on account of a rate in respect of a dwelling-house to which this Article applies shall be reduced by a prescribed sum.

- (2) This Article applies to a dwelling-house if—
- (a) prescribed measures to improve its energy efficiency have been taken to a prescribed standard; and
 - (b) prescribed conditions are satisfied.

- (3) In this Article—

“dwelling-house” includes a hereditament which is used partly for the purposes of a private dwelling;

“energy efficiency” has the same meaning as in Article 30C(6);

“rate in respect of a dwelling-house”, in relation to a hereditament which is used partly for the purposes of a private dwelling, means a rate in respect of its rateable capital value.

(4) The prescribed period for the purposes of paragraph (1) shall not—

- (a) except in prescribed cases, exceed one year; or
- (b) begin after 31st March 2015.

(5) The Department may by order made subject to affirmative resolution—

- (a) substitute a later date for the date mentioned in paragraph (4)(b);
- (b) make transitional provision, or provide savings, in connection with the effect of paragraph (4).

(6) Regulations may provide that a reduction shall not be made under this Article unless a person has consented to the inspection of the dwelling-house in question and regulations may make provision for such inspections.

(7) Regulations may make provision—

- (a) about the method of claiming a reduction under this Article (including documents or information to be provided);
- (b) about the method of making a reduction under this Article.

(8) Regulations may provide for prescribed functions under the regulations to be exercisable by such persons as the Department may determine.

(9) Regulations may provide that—

- (a) a person aggrieved by a decision of the Department under the regulations may—
 - (i) require the Department to review its decision; and
 - (ii) appeal to the Valuation Tribunal;
- (b) the Department or any person aggrieved by a decision of the Valuation Tribunal on an appeal by virtue of sub-paragraph (a) as being erroneous on a point of law may require the Valuation Tribunal to state and sign a case for the Court of Appeal.

(10) Regulations may provide that this Article shall not apply to—

- (a) a dwelling-house which is a hereditament in the social sector (within the meaning of Article 23A);
- (b) a dwelling-house which is a hereditament in the private rented sector (within the meaning of Article 30C); and
- (c) such other dwelling-houses as may be prescribed.