STATUTORY RULES OF NORTHERN IRELAND

2010 No. 67

RATES

The Rate Relief (Energy Efficiency Homes Scheme) Regulations (Northern Ireland) 2010

Made - - - -	*8th March 2010*
Coming into operation	*1st April 2010*

The Department of Finance and Personnel makes the following Regulations in exercise of the powers conferred by Article 30D of the Rates (Northern Ireland) Order 1977(**1**).

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Rate Relief (Energy Efficiency Homes Scheme) Regulations (Northern Ireland) 2010 and shall come into operation on 1st April 2010.

Interpretation

2. In these Regulations—

"the 1977 Order" means the Rates (Northern Ireland) Order 1977;

"accessible roof space" means space between the roof of a dwelling-house and the ceiling of any room used or available for use for the purpose of living accommodation, where that space —

(a) is not wholly separated from the roof by any other room; and

(b) is accessible through a properly constructed opening;

"applicant" means a person who has made an application under regulation 6;

"agent"—

(a) in regulations 4(7)(e) and 6 means the Energy Saving Trust; and

(**1**) S.I. 1977/2157 (N.I. 28); Article 30D was inserted by section 3 of the Rates (Amendment) Act (Northern Ireland) 2009 (2009 c.8 (N.I.)).

(b) in regulation 7 means the district council for the district in which the dwelling-house, the subject matter of an application, is situated;

"cavity wall insulation" means insulation between the internal and external leaves of masonry cavity walls of a dwelling-house;

"housing association" has the meaning assigned by Article 3 of the Housing (Northern Ireland) Order 1992(**2**);

"loft insulation" means insulation in any accessible roof space in a dwelling-house;

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975(**3**);

"prescribed sum" means the sum prescribed by regulation 5 for the purposes of paragraph (1) of Article 30D of the 1977 Order;

"reduction" means a reduction under regulation 4(1);

"registered installer" means—

(a) in respect of loft insulation, an installer registered with the National Insulation Association; and

(b) in respect of cavity wall insulation, an installer registered with the Cavity Insulation Guarantee Agency; and

"suitability assessment" means an evaluation carried out by a registered installer prior to any work being undertaken, in order to assess the suitability of a dwelling-house for the installation of an energy efficiency measure.

Excluded dwelling-houses

3. Article 30D of the 1977 Order and these Regulations shall not apply to a dwelling-house—

(a) which is a hereditament in the social sector (within the meaning of Article 23A of the 1977 Order;

(b) which is a hereditament in the private rented sector (within the meaning of Article 30C of the 1977 Order);

(c) which is wholly owned by a housing association which is not registered in the register maintained under Part II of the Housing (Northern Ireland) Order 1992;

(d) which is used for providing living accommodation for a person who—

(i) is an employee of the Northern Ireland Housing Executive or of a housing association;

(ii) resides in the hereditament in connection with his employment by that body; and

(iii) has no liability for rates in respect of the hereditament during his period of residence there; and

(e) which is wholly owned by a Northern Ireland department, a Minister of the Crown, an officer or body exercising functions on behalf of the Crown or a body established by or under a statutory provision.

(**2**) S.I. 1992/1725 (N.I. 15)
(**3**) 1975 c.26

PART 2

Energy Efficiency Rate Reduction

Rate reduction

4.—(1) Subject to the provisions of these Regulations, the amount which, apart from these Regulations, would be payable in the relevant year on account of a rate in respect of a dwelling-house to which these Regulations apply shall be reduced by the prescribed sum.

(2) In these Regulations, "relevant year" means—

(a) in a case where the amount which would be payable on account of a rate in respect of a dwelling-house is less than the prescribed sum, the year in which the application is made under regulation 6 and such subsequent years until such time as the prescribed sum is exhausted; and

(b) in all other cases the year in which the application is made under regulation 6.

(3) These Regulations apply to a dwelling-house if—

(a) prescribed measures to improve its energy efficiency (to be known as "energy efficiency measures") have been taken to prescribed standards; and

(b) prescribed conditions are satisfied.

(4) In these Regulations—

(a) "energy efficiency measures" means any measure prescribed by paragraph (5);

(b) "prescribed standards" means those standards as to materials and installation prescribed by paragraph (6); and

(c) "prescribed conditions" means those conditions prescribed by paragraph (7).

(5) For the purposes of paragraph (2)(a) of Article 30D of the 1977 Order the prescribed measures are—

(a) cavity wall insulation; or

(b) loft insulation.

(6) For the purposes of paragraph (2)(a) of Article 30D of the 1977 Order the prescribed standards are—

(a) in respect of cavity wall insulation, the standards as to materials and installation for each material specified in column 1 of Table 1 in Schedule 1 specified in the corresponding entry in column 2 of Table 1 in Schedule 1; and

(b) in respect of loft insulation, the standards as to materials and installation for each material specified in column 1 of Table 2 in Schedule 1 specified in the corresponding entry in column 2 of Table 2 in Schedule 1.

(7) For the purposes of paragraph (2)(b) of Article 30D of the 1977 Order the prescribed conditions are—

(a) a suitability assessment must be carried out by a registered installer before any works connected with the installation of an energy efficiency measure begin;

(b) the installation of an energy efficiency measure must be undertaken by a registered installer;

(c) the applicant must occupy the dwelling-house at the time the application is made;

(d) in relation to the dwelling-house in respect of which an application is made, no other grant or assistance from whatever source for the provision or installation of an energy efficiency measure, the subject matter of the application, has been applied for or received; and

(e) at the time at which an application form is requested from the agent, an energy efficiency measure is not already installed on or in the dwelling-house to the prescribed standard.

Amount of rate relief

5. The sum prescribed for the purposes of paragraph (1) of Article 30D of the 1977 Order shall be determined—

(a) in the case of cavity wall insulation, in accordance with Table 1 of Schedule 2; and

(b) in the case of loft insulation, in accordance with Table 2 of Schedule 2.

Applications

6. A reduction shall be made only if an application in such form and containing such information as the Department may reasonably require is made to the agent by the occupier of the dwelling-house in question before 1st April 2015.

Inspections

7.—(1) A reduction shall not be made unless the applicant consents to the inspection of the dwelling-house in question.

(2) Inspections under paragraph (1) may be carried out by an agent.

(3) If, for the purposes of inspection, access is not made available to the dwelling-house in question, a reduction shall not be made or, if made, shall be withdrawn.

PART 3

Decisions, Reviews and Appeals

Decision and review by the Department

8.—(1) Where an application has been made under regulation 6, the Department shall decide whether the applicant is entitled to a reduction and shall serve notice of its decision on the applicant.

(2) Any person who is aggrieved by a decision of the Department under these Regulations may, within twenty-eight days of service of a notice of that decision on him, apply to the Department for a review by the Department of its decision.

(3) The Department shall serve on that person a notice of the result of the review.

Appeals to and from the Valuation Tribunal

9.—(1) If a person on whom a notice is served under regulation 8(3) is dissatisfied with the result of the review, he may appeal to the Valuation Tribunal.

(2) The Department or any person aggrieved by a decision of the Valuation Tribunal under paragraph (1) as being erroneous on a point of law may require the Valuation Tribunal to state and sign a case for the Court of Appeal.