STATUTORY RULES OF NORTHERN IRELAND

2010 No. 66

RATES

The Rate Relief (Low-Carbon 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 30C of the Rates (Northern Ireland) Order 1977(**1**).

PART 1

Introductory

Citation and commencement

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

Interpretation

2.—(1) In these Regulations—

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

"the Building Regulations" means the Building Regulations (Northern Ireland) 2000(**2**);

"the Energy Performance of Buildings Regulations" means the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008(**3**);

"accreditation scheme" means a scheme approved by the Department in accordance with regulation 19 of the Energy Performance of Buildings Regulations;

"accredited assessor" means an individual who is a member of an accreditation scheme;

"applicant" means a person who has made an application under regulation 8;

(**1**) S.I. 1977/2157 (N.I. 28); Article 30C was inserted by section 2 of the Rates (Amendment) Act (Northern Ireland) 2009 (2009 c. 8 (N.I.))
(**2**) S.R. 2000 No. 389 as amended by S.R. 2005 No. 295, S.R. 2006 No. 355, S.R. 2006 No. 440 and S.R. 2008 No. 170
(**3**) S.R. 2008 No. 170 as amended by S.R. 2008 No. 241 and S.R. 2009 No. 369

"approved methodology" means the methodology for the calculation of the energy performance of buildings approved by the Department for the purposes of Part F of the Building Regulations;

"dwelling CO_2 emission rate (DER)" has the same meaning as in the Building Regulations;

"energy performance certificate" has the same meaning as in the Energy Performance of Buildings Regulations;

"equity-sharing lease" means a lease of land, the general effect of which is to provide—

(a) that, in consideration of the granting of the lease, the lessee shall pay a capital sum, representing a part payment in respect of the cost of acquisition of the premises demised, and a rent; and

(b) that the lessee may make additional part payments towards the said cost of acquisition and may exercise an option to purchase the whole or part of the lessor's reversion in the premises demised;

"heat loss parameter" means the heat loss per unit of temperature difference per unit of floor area determined by the internal dimensions of surfaces bounding the dwelling-house, the thermal performance of the materials used in construction and the air permeability of the dwelling-house envelope;

"housing association" has the meaning assigned by Article 3 of the Housing (Northern Ireland) Order 1992(**4**);

"low-carbon home certificate" means a certificate issued under regulation 7(1)(a);

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975(**5**);

"net CO_2 emissions" means—

(a) the annual CO_2 emissions per unit of floor area for space heating, water heating, ventilation and lighting, and those associated with appliances and cooking, less

(b) the emissions saved by the use of energy generation technologies in or on the dwelling-house and additional allowable electricity;

"private tenancy" means any tenancy of a dwelling-house except—

(a) a fee farm grant;

(b) an equity-sharing lease;

(c) a tenancy for a term certain exceeding 99 years, unless that tenancy is, or may become, terminable before the end of that term by notice given to the tenant; or

(d) a tenancy under which the estate of the landlord belongs to a Northern Ireland department, a Minister of the Crown, an officer or body exercising functions on behalf of the Crown, a body established by or under a statutory provision or a housing association;

"space heating requirement (SHR)" means the quantity of useful energy in kilowatt-hours per year (kWh/year) required from a heating system in a dwelling-house to meet the energy demand calculated in accordance with the approved methodology;

"target CO_2 emissions rate (TER)" has the same meaning as in the Building Regulations;

"zero-carbon home certificate" means a certificate issued under regulation 7(1)(b).

(2) In Article 30C of the 1977 Order and in these Regulations—

"first occupier" means the first person to be in occupation of a newly-constructed dwelling-house;

(**4**) S.I. 1992/1725 (N.I. 15)
(**5**) 1975 c.26

"hereditament in the private rented sector" means a dwelling-house which is the subject of a private tenancy;

"low-carbon home" has the meaning given in regulation 5;

"newly-constructed" means newly built; and

"zero-carbon home" has the meaning given in regulation 6.

(3) For the purposes of the definition of "net CO_2 emissions" in paragraph (1)—

"allowable electricity" means electricity generated from a low or zero-carbon energy source designed to serve the dwelling-house and which is conveyed to the dwelling-house, or to a sub-station connected directly to the dwelling-house, by cables used exclusively for the conveyance of electricity from that source;

"low or zero-carbon energy source" includes biomass, biofuels, fuel cells, wind, photovoltaic, water (including waves and tides), solar power, geothermal sources, combined heat and power systems and other sources of energy technologies for the generation of electricity or the production of heat, the use of which would, in the opinion of the Department, cut emissions of carbon dioxide and greenhouse gases.

Excluded dwelling-houses

3. Article 30C of the 1977 Order and these Regulations, as well as not applying to a dwelling-house mentioned in sub-paragraph (a) or (b) of paragraph (12) of that Article, shall not apply to—

(a) a dwelling-house 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;

(b) a dwelling-house 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 dwelling-house during his period of residence there; and

(c) a dwelling-house 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.

PART 2

Rate Relief

Rate relief

4.—(1) Subject to the conditions in paragraph (2) being satisfied and to the provisions of these Regulations, a person who is the first occupier of a newly-constructed dwelling-house which is a low-carbon or zero-carbon home shall not be chargeable in respect of it to rates—

(a) in the case of a low-carbon home, for a period of two years; and

(b) in the case of a zero-carbon home, for a period of five years,

from the date on which he first occupies that dwelling-house or 1st April 2010, whichever is the later.

(2) The conditions referred to in paragraph (1) are—

(a) that work on the dwelling-house shall not have been completed before 1st April 2010;

(b) that the date on which the first occupier first occupies the dwelling-house is—

(i) in the case of a low-carbon home, not later than 31st March 2013;

(ii) in the case of a zero-carbon home, not later than 31st March 2016; and

(c) that—

(i) in the case of a low-carbon home, a low-carbon home certificate has been issued;

(ii) in the case of a zero-carbon home, a zero-carbon home certificate has been issued.

Low-carbon home

5.—(1) "Low-carbon home" means a dwelling-house that is energy efficient in relation to the aspects of energy efficiency in column 1 of Table 1 in the Schedule.

(2) The evidence to be adduced to show that a dwelling-house satisfies each relevant aspect of energy efficiency is set out in column 2 of that Table.

(3) Whether the requirements in column 2 of that Table are met shall be determined by an assessment of the dwelling-house by an accredited assessor.

Zero-carbon home

6.—(1) "Zero-carbon home" means a dwelling-house that is energy efficient in relation to the aspects of energy efficiency in column 1 of Table 2 in the Schedule.

(2) The evidence to be adduced to show that a dwelling-house satisfies each relevant aspect of energy efficiency is set out in column 2 of that Table.

(3) Whether the requirements in column 2 of that Table are met shall be determined by an assessment of the dwelling-house by an accredited assessor.

Certification

7.—(1) If an accredited assessor, who carried out an assessment of a dwelling-house under these Regulations, is satisfied that the dwelling-house satisfies the definition of—

(a) low-carbon home, he shall issue a low-carbon home certificate which states that the dwelling-house is a low-carbon home within the meaning of these Regulations; or

(b) zero-carbon home, he shall issue a zero-carbon home certificate which states that the dwelling-house is a zero-carbon home within the meaning of these Regulations.

(2) In addition, both the low-carbon and zero-carbon home certificate shall state—

(a) in relation to the dwelling-house—

(i) the address, including the postcode; and

(ii) the property reference number from the energy performance certificate issued in respect of it;

(b) in relation to the accredited assessor issuing the certificate—

(i) the accredited assessor's full name,

(ii) the name and address of the accredited assessor's employer, or if he is self employed, the name under which he trades and his address; and

(iii) the accreditation scheme to which the accredited assessor belongs; and

(c) the date on which it was issued.