STATUTORY RULES OF NORTHERN IRELAND

2007 No. 192

RATES

The Rates (Consequential Provisions) Order (Northern Ireland) 2007

Made - - - -	*22nd March 2007*
Coming into operation	*1st April 2007*

The Department of Finance and Personnel(**1**), in exercise of powers conferred by Article 40(1) and (2) of the Rates (Amendment) (Northern Ireland) Order 2006(**2**) hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Rates (Consequential Provisions) Order (Northern Ireland) 2007 and shall come into operation on 1st April 2007.

Amendment of statutory provisions

2.—(1) The amendments specified in Schedule 1 (amendment to primary legislation) shall have effect.

(2) The amendments specified in Schedule 2 (amendment to subordinate legislation) shall have effect.

(**1**) Formerly the Department of Finance; *see*S.I. 1982/338 (N.I. 6) Article 3
(**2**) The Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18))

Sealed with the Official Seal of the Department of Finance and Personnel on 22nd March 2007



Brian McClure
A senior officer of the Department of Finance
and Personnel

SCHEDULE 1 Article 2(1)

Amendments to primary legislation

PART 1

1. In section 2(2) of the New Universities (Acquisition of Land) Act (Northern Ireland) 1966(**3**) (contributions towards expenditure under section 1)—

(a) after "net annual value" there shall be inserted "and the capital value";

(b) after "total net annual value" there shall be inserted "and the total capital value";

(c) after subsection (2) insert—

"(3) For the purposes of this section—

(a) "capital value" means capital value for the purposes of the Rates (Northern Ireland) Order 1977 and shall be construed in accordance with Article 39 of that Order; and

(b) "net annual value" means net annual value for the purposes of the Rates (Northern Ireland) Order 1977 and shall be construed in accordance with Articles 39 and 39A of that Order."

PART 2

2. In section 33 of the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971(**4**) (interpretation)—

(a) in the appropriate place insert—

""capital value" means capital value for the purposes of the Rates (Northern Ireland) Order 1977 and shall be construed in accordance with Article 39 of that Order;";

""capital value list" has the meaning given by Article 40(1)(b) of the Rates (Northern Ireland) Order 1977;";

(b) in the definition of "ground rent"—

(i) in sub-paragraph (a)—

(aa) for "one tenth of the net annual value" there shall be substituted "0.01265 per cent. of the capital value";

(bb) for "is a specified hereditament" there shall be substituted "appears in a NAV list";

(ii) in sub-paragraph (b)—

(aa) for "one quarter of the net annual value" there shall be substituted "0.04065 of the capital value";

(bb) for "is a specified hereditament" there shall be substituted "appears in a NAV list";

(iii) after sub-paragraph (b)—

(aa) for ""specified hereditament" there shall be substituted ""NAV list"";

(**3**) 1966 c. 4 (N.I.)
(**4**) 1971 c. 7 (N.I.)

(bb) for "39A(3)" there shall be substituted "40(1)(a)".

PART 3

3. Section 115 of the Local Government Act (Northern Ireland) 1972(**5**) (expenditure for special purposes) shall be amended as follows—

(a) in subsection (2)—

(i) in paragraph (a)—

(aa) after "hereditaments" insert "in a NAV list";

(bb) omit "which are specified hereditaments as defined by Article 39A(3) of the Rates (Northern Ireland) Order 1977";

(ii) in paragraph (b)—

(aa) for "0.5p" substitute "0.00082p";

(bb) after "rateable" insert "capital";

(cc) omit "other";

(dd) after "hereditaments" insert "in a capital value list"

(b) in subsection (2A) for "0.5p" substitute "0.00082p"

(c) after paragraph (5) insert—

"(6) For the purposes of this section—

(a) "capital value" means capital value for the purposes of the Rates (Northern Ireland) Order 1977 and shall be construed in accordance with Article 39 of that Order;

(b) "NAV list" has the meaning given by Article 40(1)(a) of the Rates (Northern Ireland) Order 1977.".

PART 4

4. The County Courts (Northern Ireland) Order 1980(**6**) shall be amended as follows—

(a) in Article 2(2) (interpretation)—

(i) the definition of "annual value" shall be omitted;

(ii) insert in the appropriate places—

""capital value" means capital value for the purposes of the Rates (Northern Ireland) Order 1977 and shall be construed in accordance with Article 39 of that Order;";

""capital value list" has the meaning given by Article 40(1)(b) of the Rates (Northern Ireland) Order 1977;";

""net annual value" means net annual value for the purposes of the Rates (Northern Ireland) Order 1977 and shall be construed in accordance with Articles 39 and 39A of that Order;";

""NAV list" has the meaning given by Article 40(1)(a) of the Rates (Northern Ireland) Order 1977;";

(**5**) 1972 c. 9 (N.I.)
(**6**) S.I. 1980/397 (N.I. 3) as amended by S.R. 1993 No. 282, S.R. 1997 No. 144 and S.R. 2003 No. 73

(b) in Article 11(2)(c) for "the annual value" substitute "the net annual value or capital value";

(c) for Article 12(1) and (1A) (actions for recovery of, or involving title to land) substitute—

"12.—(1) A county court shall, subject to paragraphs (1A) to (4) have jurisdiction to hear and determine any action—

(a) for recovery of land; or

(b) in which the title to any land comes in question;

if either of the following sub-paragraphs applies—

(i) the net annual value of the land does not exceed £4,060; or

(ii) the capital value of the land does not exceed £400,000.

(1A) Where land has a net annual value and a capital value, both conditions in sub-paragraphs (i) and (ii) of paragraph (1) must be satisfied.";

(d) in Article 12(3) and (4) for "annual value" substitute "its net annual value or its capital value";

(e) for Article 13(2) (jurisdiction as respects injunctions) substitute—

"(2) Subject to paragraph (3), proceedings under this Article in respect of any easement, profit or other right may be brought—

(a) in the case where the servient tenement has a net annual value, only where that value does not exceed £4,060;

(b) in the case where the servient tenement has a capital value, only where that value does not exceed £400,000.

(3) Where the servient tenement has a net annual value and a capital value, both conditions in sub-paragraph (a) and (b) of paragraph (2) must be satisfied.";

(f) in Article 14 (jurisdiction in equity matters)—

(i) in paragraphs (a), (b), (c), (g), (h), (k), (l) and (m) for "the appropriate sum in annual value" substitute "the relevant valuation limits";

(ii) in paragraphs (d) and (e)—

(aa) for "the annual value" substitute "the value";

(bb) for "the appropriate sum" substitute "the relevant valuation limits";

(iii) in paragraph (i) "or in annual value the appropriate sum" shall be omitted;

(iv) for "and for the purposes of this Article" to "(ii) in any other case, £500." substitute—

"and for the purposes of this Article—

(aa) "the relevant valuation limits" means where the land has a net annual value, £4,060 and where the land has a capital value, £400,000;

(bb) "value" means net annual value or, as the case may be, capital value."

(g) for Article 16(1)(b) (power to grant limited administration) substitute—

"(b) subject to paragraph (iii), the gross value of his property (exclusive of property to which he was entitled as a trustee and not beneficially) so far as it consists of property other than land does not exceed £45,000 in value and so far as it consists of land does not exceed—

(i) in the case where the land has a net annual value, £4,060;

(ii) in the case where the land has a capital value, £400,000;