STATUTORY RULES OF NORTHERN IRELAND

2007 No. 148

RATES

The Rate Relief (Education, Training and Leaving Care) Regulations (Northern Ireland) 2007

Made - - - -	*9th March 2007*
Coming into operation	*1st April 2007*

The Department of Finance and Personnel(**1**), in exercise of the powers conferred by Articles 30B (1), (3), (4), and (5) and 42(2A) and (2B) of the Rates (Northern Ireland) Order 1977(**2**), makes the following Regulations:

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Rate Relief (Education, Training and Leaving Care) Regulations (Northern Ireland) 2007 and shall come into operation on 1st April 2007.

Interpretation

2.—(1) In these Regulations—

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

"the 1995 Order" means the Children (Northern Ireland) Order 1995(**3**);

"academic year" means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of the course in question begins according to whether that academic year begins on or after 1st January and before 1st April, on or after 1st April and before 1st July, on or after 1st July and before 1st August or on or after 1st August and on or before 31st December, respectively;

"approved course of training" shall be construed in accordance with regulation 8;

(**1**) Formerly the Department of Finance; *see*S.I. 1982/338 (N.I. 6) Article 3
(**2**) S.I. 1977/2157 (N.I. 28); Articles 30B, 42(2A) and 42(2B) were inserted by Article 15 of the Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18))
(**3**) S.I. 1995/755 (N.I. 2)

"course for the initial training of teachers" includes such a course leading to a first degree unless otherwise indicated but excludes an employment-based teacher training scheme;

"designated course" shall be construed in accordance with regulation 7;

"institution" in relation to a designated course means an educational institution and in relation to an approved course of training means a training institution approved by the Department of Employment and Learning for the purposes of these Regulations;

"periods of work experience" means—

(a) periods of industrial, professional or commercial experience associated with full-time study at an institution but at a place outside that institution; or

(b) periods during which a person is employed and residing in a country whose language is one that he is studying for his course (provided that the period of residence in that country is a requirement of his course and the study of one or more modern languages accounts for not less than one half of the total time spent studying on the course);

"postgraduate course" means a course for entry to which a first degree (or equivalent qualification) or higher is normally required;

"publicly funded" means maintained or assisted by recurrent grants out of public funds and related expressions are to be interpreted accordingly;

"quarter" in relation to an academic year means the first three months, and any subsequent period of three months, of that year;

"rate relief" means rate relief under Article 30B of the 1977 Order as read with these Regulations;

"relevant institution of higher education in the Republic of Ireland" means an institution listed in Schedule 2.

(2) In relation to a designated course or an approved course of training provided by an institution which does not have academic years, any reference to such a year shall (except for the purposes of paragraph (3)), be treated as a reference to a calendar year beginning on the day on which the course begins.

(3) In relation to any designated course or approved course of training which begins part way through an academic year of the institution providing it, the course shall be treated as beginning on the first day of that academic year.

(4) A person shall, for the purposes of these Regulations, be treated as undertaking a designated course or a course of approved training from the date the course begins or is treated under these Regulations as beginning.

(5) A course is provided by an institution if it provides the teaching or training and supervision which comprise the course, whether or not the institution has entered into an agreement with the student or trainee to provide the course.

Gap Year Student

3.—(1) This paragraph applies where—

(a) a person had on or before 1st August in any year received an offer, whether conditional on obtaining specified qualifications or not, of a place on a designated course; and

(b) the academic year of the course begins on or after 1st September in the same year but before 1st September in the next following year.

(2) This paragraph applies where—

(a) a person had received an offer ("the first offer") of a place on a designated course which begins on or before 1st September in the same year ("the current year");

(b) he was unable to take up the offer because a particular qualification or grade was not awarded to him;

(c) he appealed against the decision not to award him the qualification or grade;

(d) the appeal was allowed after the last date on which he could have taken up the offer;

(e) as a result, he was offered a place on that or a similar designated course; and

(f) the first academic year of the course referred to in sub-paragraph (e) begins on or after 1st September in the current year but before 1st September in the next year.

(3) Where paragraph (1) applies a person shall be treated as a gap year student from the date he received the offer until—

(a) where he takes up the offer, the first day of the academic year in which the course in question begins; or

(b) in any other case, the date he indicates that he does not intend to take up the offer or if he gives no such indication the first day of the academic year for the course to which the offer relates,

as the case may be.

(4) Where paragraph (2) applies a person shall be treated as a gap year student from the date he received the first offer until—

(a) where he takes up that offer or any other offer referred to in that paragraph, the first day of the academic year in which the course in question begins; or

(b) in any other case, the date he indicates that he does not intend to take up that offer or any other offer referred to in that paragraph or, if he gives no such indication, the first day of the academic year for the course to which the first offer relates,

as the case may be.

(5) Where a person has—

(a) completed at least one academic year of any designated course but not the entire course;

(b) without withdrawing from or abandoning the course and with the agreement of the institution providing it has, for any purpose (including private study, work experience, training, voluntary work, recreation or travel) absented himself from the course for not more than one academic year; and

(c) at the end of his period of absence resumes undertaking the course,

he shall be treated as a gap year student for the period of his absence.

Transfer Student

4.—(1) This paragraph applies where—

(a) a person is undertaking a designated course;

(b) at or before the end of the academic year for that course he withdraws from that course without completing it; and

(c) not later than the beginning of the next academic year he begins to undertake another designated course, whether provided by the same institution or not.

(2) Where paragraph (1) applies a person shall be treated as a transfer student from the date of his withdrawal from the course until he begins to undertake another designated course.

Sandwich Course

5.—(1) For the purposes of these Regulations, a course is a "sandwich course" if—

(a) it is not a course for the initial training of teachers;

(b) it consists of alternate periods of full-time study in an institution and periods of work experience; and

(c) taking the course as a whole, the person undertaking that course is required by the institution to attend (whether at the premises of the institution or elsewhere) for full-time study for an average of not less than 18 weeks in each academic year and in each such week that person is required to attend he is expected to undertake periods of study or tuition amounting to at least 21 hours on average.

(2) A person is to be regarded as undertaking a sandwich course from the beginning of the first period of full-time study until the end of the last such period.

(3) For the purposes of paragraph (1), where periods of full-time study and work experience alternate within any week of the course, the days of full-time study are aggregated with each other and with any weeks of full-time study in determining the number of weeks of full-time study in each year.

PART 2

Rate Relief

Grant of Rate Relief

6.—(1) Subject to the following provisions and to the condition in Article 30B(2) of the 1977 Order, a person shall not be chargeable to rates in respect of a hereditament for any period during which—

(a) the hereditament is used wholly for the purposes of a private dwelling or (not being a hereditament which comprises a hall of residence distinguished in the NAV list as wholly exempt from rates) is otherwise wholly used for living accommodation; and

(b) every occupier of it qualifies for rate relief and, subject to paragraph (4), occupies the hereditament as his only or principal residence.

(2) For the purposes of Article 30B(4) of the 1977 Order a person undertaking a designated course or approved course of training shall be regarded for the purposes of these Regulations as occupying a hereditament as his only or principal residence—

(a) for a year if throughout that year he satisfied the conditions referred to in paragraph (3)(a) or (b), as the case may be, and occupies it as his only or principal residence for not less than 24 weeks in that year; or

(b) for any quarter if throughout that quarter he satisfies the conditions referred to in paragraph (3)(a) or (b), as the case may be, and occupies it as his only or principal residence for not less than 6 weeks in that quarter.

(3) For the purposes of Article 30B(3)(a)(ii) of the 1977 Order—

(a) the conditions set out in regulation 7 are prescribed in relation to education;

(b) the conditions set out in regulation 8 are prescribed in relation to training; and

(c) the conditions set out in regulation 9 are prescribed in relation to leaving care.

(4) Notwithstanding paragraph (1)(b), where an occupier of a hereditament has parental responsibility for another occupier of the hereditament, that other occupier need not occupy the hereditament as his only or principal residence.

Conditions relating to education

7.—(1) The conditions referred to in regulation 6(3)(a) are that—

(a) the person concerned is an eligible student, that is to say he is undertaking a designated course; and

(b) his status as an eligible student has not terminated.

(2) For the purposes of paragraph (1) and subject to paragraph (3), a course is a designated course if it is—

(a) mentioned in Schedule 1;

(b) one of the following—

(i) a full-time course; or

(ii) a sandwich course;

(c) of at least one academic year's duration;

(d) except in the case of a sandwich course, a course where persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 24 weeks in each year thereof and in each week that person is required to attend he is expected to undertake periods of study or tuition amounting to at least 21 hours on average; and

(e) wholly provided by a publicly-funded educational institution in the United Kingdom or by a relevant institution of higher education in the Republic of Ireland which (in either case) is maintained or assisted by recurrent grants out of public funds or provided by such an institution in conjunction with an institution outside the United Kingdom.

(3) For the purposes of this regulation a university and any constituent college or institution in the nature of a college of a university is to be regarded as publicly funded if either the university or the constituent college or institution is publicly funded.

(4) A course to which this paragraph applies is considered to be a single course for a first degree or for an equivalent qualification even though—

(a) the course may lead to another degree or qualification being conferred before the degree or equivalent qualification; and

(b) part of the course may be optional.

(5) Paragraph (4) applies to a course the standard of which is not higher than a first degree which leads to a qualification as a medical doctor, dentist, veterinary doctor, architect, landscape architect, landscape designer, landscape manager, town planner or town and country planner.

(6) A person shall be regarded for the purposes of paragraph (1) as undertaking a designated course during the period in which he is a gap year student.

(7) A person's status as an eligible student terminates—

(a) at the end of the academic year in which the student completes the designated course;

(b) when the student withdraws from his designated course and he is not a transfer student; or

(c) when the student abandons or is expelled from his designated course.

Conditions relating to training

8.—(1) The conditions referred to in regulation 6(3)(b) are that—

(a) the person concerned is an eligible trainee, that is to say he is undertaking an approved course of training;

(b) his status as an eligible trainee has not terminated; and