STATUTORY RULES OF NORTHERN IRELAND

2007 No. 90

RATES

The Rates (Transitional Relief) Order (Northern Ireland) 2007

Made - - - - 15th February 2007

Coming into operation 1st April 2007

The Department of Finance and Personnel(**1**) makes the following Order in exercise of the powers conferred by Article 33A of the Rates (Northern Ireland) Order 1977(**2**):

Citation, commencement and interpretation

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

(2) In this Order—

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

"base amount" in relation to a relevant year means the sum which would have been chargeable in respect of rates in respect of a specified hereditament or part of a specified hereditament in the capital value list in that year if the capital value list had not come into force;

"capital value list" has the same meaning as in Article 2(2)(**3**) of the 1977 Order;

"old list" has the same meaning as in Article 33A(3)(**4**) of the 1977 Order;

"relevant year" means a year which is mentioned in Article 4;

"specified hereditament" means a hereditament or part of a hereditament in the capital value list other than a hereditament or part of a hereditament specified in column 2 of the Schedule;

"unadjusted amount" in relation to a relevant year means the sum that would otherwise be chargeable in respect of rates in respect of a specified hereditament or part of a specified hereditament in the capital value list for that year apart from this Order.

(**1**) Formerly the Department of Finance; *see* S.I. 1982/338 (N.I. 6) Article 3

(**2**) S.I. 1977/2157 (N.I. 28); Article 33A was inserted by Article 5 of the Rates (Amendment) (Northern Ireland) Order 1996 (S.I. 1996/3162 (N.I. 25)) and amended by Article 18 of the Rates (Amendment) (Northern Ireland) Order 2006 (S.I. 2006/2954 (N.I. 18))

(**3**) In Article 2(2) the definition of "capital value list" was inserted by Article 11(3)(a) of the Rates (Amendment) (Northern Ireland) Order 2006

(**4**) Article 33A(3) was inserted by Article 18(3) of the Rates (Amendment) (Northern Ireland) Order 2006

Application of Order

2. This Order applies to any specified hereditament—

(a) which was or fell to be included in the old list immediately before the coming into operation of this Order; and

(b) in respect of which a capital value is ascribed in the capital value list on 1st April 2007.

Amount of Rates

3. Where the sum chargeable in respect of rates due in respect of a specified hereditament which is included in the capital value list exceeds the sum chargeable arising from the old list the amount of the sum chargeable in respect of rates in respect of that specified hereditament shall be determined in accordance with Article 4.

Transitional relief

4.—(1) Where the unadjusted amount in respect of a specified hereditament in the capital value list in a relevant year exceeds the base amount for that year by not less than 33 per cent. of the base amount, the unadjusted amount for that year shall, subject to Articles 5, 6 and 7, be reduced in accordance with paragraphs (2) to (4).

(2) In the year ending on 31st March 2008, the unadjusted amount shall be reduced by the whole of the difference between that amount and 133 per cent. times the base amount.

(3) In the year ending on 31st March 2009, the unadjusted amount shall be reduced by two-thirds of the difference between that amount and 133 per cent. times the base amount.

(4) In the year ending on 31st March 2010, the unadjusted amount shall be reduced by one third of the difference between that amount and 133 per cent. times the base amount.

Supplementary provisions as to transitional relief

5.—(1) Where the capital value ascribed to a specified hereditament in the capital value list is altered after 1st April 2007, then for the purpose of determining any reduction of the unadjusted amount under Article 4—

(a) if the capital value is increased, such increase shall be disregarded; and

(b) if the capital value is reduced, the unadjusted amount in relation to any period after reduction shall be the sum which would have been chargeable apart from this Order in respect of that hereditament as a result of that reduction.

(2) Where, on 1st April 2007, a hereditament is not a specified hereditament which is included in the capital value list, such a hereditament shall be deemed not to be a specified hereditament in the capital value list for the purposes of Article 2 only by virtue of the fact that a capital value has been ascribed to it in the new capital value list after 1st April 2007.

Occupation

6.—(1) Where a specified hereditament in the capital value list is unoccupied either on 31st March 2007 or 1st April 2007 then, subject to paragraph (2), a reduction in the unadjusted amount shall not be made.

(2) Paragraph (1) shall not apply—

(a) where a specified hereditament in the capital value list which is unoccupied on either 31st March 2007 or 1st April 2007 is next occupied by the person who was the occupier of that hereditament immediately before it became unoccupied; or