STATUTORY RULES OF NORTHERN IRELAND

1997 No. 118

RATES

Valuation (Electricity) Order (Northern Ireland) 1997

Made - - - - 4th March 1997
To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

Coming into operation 1st April 1997

The Department of Finance and Personnel(**1**), in exercise of the powers conferred on it by Article 37(3) and 39C of the Rates (Northern Ireland) Order 1977(**2**) and of every other power enabling it in that behalf, after consultation with such associations of district councils, district councils and holders of licences or exemptions under Part II of the Electricity (Northern Ireland) Order 1992(**3**) as the Department considered appropriate, hereby makes the following Order:

Part I

Preliminary

Citation and commencement

1. This Order may be cited as the Valuation (Electricity) Order (Northern Ireland) 1997 and shall come into operation on 1st April 1997.

Interpretation

2. In this Order—

"the Company" means Northern Ireland Electricity plc;

"declared net capacity", in relation to generating plant, means the highest generation of electricity (at the main alternator terminals) which can be maintained indefinitely without causing damage to the plant, less so much of that capacity as is consumed by the plant, expressed in megawatts to the nearest one hundredth part of a megawatt;

"the Electricity Order" means the Electricity (Northern Ireland) Order 1992;

(**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 39C was inserted by paragraph 17 of Schedule 12 to the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1))
(**3**) S.I. 1992/231 (N.I. 1)

"exemption" means an exemption under Part II of the Electricity Order;

"generate", in relation to electricity, means generate for the purpose of giving a supply of electricity to any premises or enabling a supply of electricity to be so given;

"generating plant", in relation to a hereditament, means plant in or on the hereditament which is used or available for use for the purposes of generating electricity;

"licence" means a licence under Part II of the Electricity Order;

"supply" and "transmit", in relation to electricity, have the meanings assigned to them by Article 3 of the Electricity Order.

Part II

Electricity Generation

Application

3.—(1) This Article applies to the class of hereditaments in relation to which the conditions in paragraph (2) are fulfilled.

(2) The conditions mentioned in paragraph (1) are that—

(a) the hereditament is occupied by a holder of a licence or exemption where the licence or exemption authorises the holder to generate electricity but not to supply or (in the case of a licence) to transmit electricity;

(b) the hereditament comprises land, plant or buildings used or available for use for the purpose of generating electricity, where—

(i) such use is its sole or primary function; or

(ii) its primary function is in connection with a scheme for the production for sale of both electrical power and heat; or

(iii) the primary source of energy in such generation is the burning of refuse; and

(c) the generating plant—

(i) uses wind, tidal or water power as its primary source of energy; or

(ii) if its primary source of energy is the burning of refuse, and neither sub-paragraph (i) or (ii) of sub-paragraph (*b*) applies, has a declared net capacity of 25 megawatts or more; or

(iii) has a declared net capacity of 500 kilowatts or more.

Net annual values

4.—(1) In the case of a hereditament falling within the class to which Article 3 applies, its net annual value for the year ending on 31st March 1998 and for each subsequent year shall be an amount equal to—

(a) where the primary source of energy used by a generating plant is wind or tidal power, £2,860 per megawatt of the declared net capacity of the generating plant on 1st April in the year in question;

(b) in any other case, £5,720 per megawatt of the declared net capacity of the generating plant on 1st April in the year in question.

(2) In paragraph (1)(*a*) and (*b*), amounts in megawatts shall be expressed to the nearest hundredth part of a megawatt.