



## 2009 CHAPTER 8

### *Energy efficiency*

#### **Zero-carbon or low-carbon homes**

**2** After Article 30B of the principal Order (dwellings occupied by persons under 18 and persons in education and training or leaving care) there shall be inserted the following Article—

#### **“Zero-carbon or low-carbon homes**

**30C.**—(1) Regulations may provide that, if prescribed conditions are satisfied, the first occupier of a newly-constructed dwelling-house which is—

- (a) a low-carbon home; or
- (b) a zero-carbon home,

shall not be chargeable in respect of it to rates in respect of a prescribed period.

(2) In the case of a low-carbon home the prescribed period for the purposes of paragraph (1) shall not—

- (a) exceed two years; or
- (b) begin after 31st March 2013.

(3) In the case of a zero-carbon home the prescribed period for the purposes of paragraph (1) shall not—

- (a) exceed five years; or
- (b) begin after 31st March 2016.

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*Changes to legislation: There are currently no known outstanding effects for the Rates (Amendment) Act (Northern Ireland) 2009, Section 2. (See end of Document for details)*

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(4) The Department may by order made subject to affirmative resolution—

- (a) substitute a later date for the dates mentioned in paragraphs (2)(b) and (3)(b);
- (b) make transitional provision, or provide savings, in connection with the effect of paragraphs (2) and (3).

(5) In this Article the following expressions shall have such meaning as may be prescribed—

- “first occupier”,
- “hereditament in the private rented sector”,
- “low-carbon home”,
- “newly-constructed”, and
- “zero-carbon home”.

(6) Regulations for the purposes of paragraph (5) may define “low-carbon home” and “zero-carbon home” by reference to specified aspects of the energy efficiency of a building; and for this purpose “energy efficiency” includes—

- (a) consumption of energy;
- (b) conservation of energy; and
- (c) generation of energy.

(7) Regulations for the purposes of paragraph (5) defining “low-carbon home” and “zero-carbon home” may include requirements which may be satisfied in relation to a dwelling-house either—

- (a) by features of the building which, or part of which, constitutes the dwelling-house; or
- (b) by other installations or utilities.

(8) Regulations may—

- (a) make provision about the method of claiming relief under this Article (including documents or information to be provided);
- (b) provide for relief to be wholly or partly withdrawn in prescribed circumstances.

(9) Regulations made by virtue of paragraph (8)(a) may, in particular, make provision about the evidence to be provided to show that the definition of “low-carbon home” or “zero-carbon home” is satisfied.

(10) Regulations made by virtue of paragraph (9) may, in particular—

- (a) refer to a scheme or process established by or for the purposes of a statutory provision about building;

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- (b) establish or provide for the establishment of a scheme or process of certification;
  - (c) specify, or provide for the approval of, one or more schemes or processes for certifying energy efficiency;
  - (d) provide for the charging of fees of a reasonable amount in respect of services provided as part of a scheme or process of certification.
- (11) Regulations may provide that—
- (a) a person aggrieved by a decision of the Department under the regulations may—
    - (i) require the Department to review its decision; and
    - (ii) appeal to the Valuation Tribunal;
  - (b) the Department or any person aggrieved by a decision of the Valuation Tribunal on an appeal by virtue of sub-paragraph (a) as being erroneous on a point of law may require the Valuation Tribunal to state and sign a case for the Court of Appeal.
- (12) This Article shall not apply to—
- (a) a dwelling-house which is a hereditament in the social sector (within the meaning of Article 23A);
  - (b) a dwelling-house which is a hereditament in the private rented sector; and
  - (c) such other dwelling-houses as may be prescribed.
- (13) Regulations for the purposes of paragraph (1) may prescribe a period beginning before the making of the regulations but not earlier than the beginning of the year in which the regulations are made.
- (14) Regulations may make such provision as the Department considers necessary or expedient for the purposes of this Article.”.

**Changes to legislation:**

There are currently no known outstanding effects for the Rates (Amendment) Act (Northern Ireland) 2009, Section 2.