



## 2009 CHAPTER 8

### *Deferred payment of rates on dwellings*

#### **Agreements for deferred payment of rates on dwellings**

**5** For Article 29A of the principal Order (agreements for deferred payment of rates on dwellings) there shall be substituted the following Article—

#### **“Agreements for deferred payment of rates on dwellings**

**29A.**—(1) Regulations may provide that the Department may enter into an agreement with a person for the payment of rates in respect of the capital value of a hereditament to be deferred.

(2) Regulations may require that—

- (a) the person must be both the occupier and the owner of the hereditament and a person to whom paragraph (3) applies;
- (b) the hereditament must be a dwelling-house or, though not a dwelling-house, used partly for the purposes of a private dwelling; and
- (c) prescribed conditions must be satisfied.

(3) This paragraph applies to a person if the person is—

- (a) of pensionable age;
- (b) the partner of a person who is eligible to make an agreement under this Article in respect of the same hereditament by virtue of subparagraph (a); or
- (c) the surviving partner of a person who has made an agreement under this Article in respect of the same hereditament.

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*Changes to legislation: There are currently no known outstanding effects for the Rates (Amendment) Act (Northern Ireland) 2009, Section 5. (See end of Document for details)*

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- (4) Regulations may make provision—
- (a) as to the terms of the agreement (including terms as to repayment, the payment of interest and other charges and as to the termination of the agreement and extending the period of the agreement);
  - (b) for the amount outstanding under the agreement to be a charge on an estate in land and for the enforcement of such a charge;
  - (c) for an agreement to transfer the amount outstanding under an agreement made in respect of the same hereditament by the deceased partner of the occupier;
  - (d) for the meaning of “occupier”, “owner” and “pensionable age” in this Article.
- (5) Regulations may provide for—
- (a) an agreement under this Article to apply to payment of the rates for the whole of the commencement year, and
  - (b) for the repayment of any amount already paid in respect of them.
- (6) In paragraph (5) “the commencement year” means the year in which regulations for the purposes of that paragraph first come into force or, if later, the year in which the agreement is entered into.
- (7) Regulations may for the purposes of this Article modify paragraphs (2) and (3) or any other provision of this Order.
- (8) Regulations may make such provision as the Department considers necessary or expedient for the purposes of this Article.
- (9) For the purposes of this Article a person is the partner of another person if—
- (a) they are a man and a woman who are married to each other;
  - (b) they are a man and a woman who are not married to each other but are living together as husband and wife;
  - (c) they are two people of the same sex who are civil partners of each other; or
  - (d) they are two people of the same sex who are not civil partners of each other but are living together as if they were civil partners of each other.
- (10) For the purposes of this Article two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.
- (11) For the purposes of this Article—

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- (a) a person (“S”) is the surviving partner of another person if, immediately before that other person died, S was the partner of that other person;
- (b) a person (“D”) is the deceased partner of another person if, immediately before D died, D was the partner of that other person.”.

**Changes to legislation:**

There are currently no known outstanding effects for the Rates (Amendment) Act (Northern Ireland) 2009, Section 5.