



2012 CHAPTER 1

Window displays not to constitute occupation in certain cases

3. In Schedule 8A to the principal Order (unoccupied hereditaments), after paragraph 8 there shall be added the following paragraph—

“**9.**—(1) For the purposes of Article 25A if (apart from this paragraph) a hereditament to which this paragraph applies would be treated as occupied by reason only of a window display during any period after 31st March 2012 and before 1st April 2015, it shall be treated as unoccupied for so much of that period as the conditions in sub-paragraph (2) are satisfied.

(2) The conditions referred to in sub-paragraph (1) are—

- (a) the depth of the window display does not exceed 1.5 metres and the area of the window display does not exceed 5 per cent. of the floor area of that part of the building fronted by the window display;
- (b) the window display is not for the purposes of, and does not identify, a trade or business; and
- (c) the window display is not for political purposes or detrimental to advancement of good community relations.

(3) This paragraph applies to a hereditament if it is included in the NAV list and (disregarding the window display) is—

- (a) a hereditament which, when last occupied, was used for the purpose of the retail provision of goods or services to members of the public who visit the hereditament; or
- (b) a hereditament which has never been occupied but where any building or part of a building comprised in the hereditament is constructed or adapted for the purpose mentioned in head (a).

(4) The Department may by an order which is made subject to affirmative resolution modify sub-paragraphs (2) and (3).”.