
STATUTORY INSTRUMENTS

1982 No. 156 (N.I. 2)

NORTHERN IRELAND

The Rates Amendment (Northern Ireland) Order 1982

Laid before Parliament in draft

Made

10th February 1982

Coming into operation in accordance with Article 1

At the Court at Buckingham Palace, the 10th day of February 1982

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Rates Amendment (Northern Ireland) Order 1982.

(2) Subject to paragraph (3), this Order shall come into operation on 1st April 1982.

(3) Article 4 shall come into operation on such day as the Head of the Department of the Environment may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order, "the principal Order" means the Rates (Northern Ireland) Order 1977(c).

Valuation of caravan sites

3. At the end of Schedule 12 to the principal Order (basis of valuation) there shall be added the following Part—

(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

(c) S.I. 1977/2157 (N.I. 28).

“PART XIII

CARAVAN SITES

1.—(1) This Part applies to caravan sites having an area of not less than 335 square metres.

(2) In this Order—

- (a) “caravan” has the meaning assigned to it by section 25 (1) of the Caravans Act (Northern Ireland) 1963 (a);
- (b) “caravan site” means any land in respect of which a site licence is required under that Act, or would be so required if paragraphs 4 and 11 of the Schedule to that Act (exemption of certain land occupied and supervised by organisations concerned with recreational activities and of land occupied by district councils) were omitted;
- (c) a caravan pitch is a “pitch for a leisure caravan” if in accordance with any licence or planning permission regulating the use of the caravan site a caravan stationed on the pitch is not allowed to be used for human habitation throughout the year;
- (d) “site operator” means the person who is for the purposes of that Act the occupier of the caravan site.

2.—(1) Where in a caravan site pitches for leisure caravans are separately occupied by persons other than the site operator so that a pitch so occupied is a separate hereditament, the district valuer may, notwithstanding anything contained in Article 38 (2), if he thinks it proper to do so having regard to the circumstances of the case, value all or any of those pitches as a single hereditament together with so much, if any, of the site as is in the occupation of the site operator.

(2) Where any area of a caravan site is valued as a single hereditament under sub-paragraph (1), an application for there to be omitted from the hereditament and entered separately in the valuation list a caravan pitch occupied by a person other than the site operator may be made by that person if the pitch would fall to be separately entered in the list but for that sub-paragraph; and Article 49 shall apply to such an application.

(3) Any caravan pitch which is separately occupied by a person other than the site operator but is included in the hereditament by virtue of sub-paragraph (1) shall be treated as used for the purposes of a private dwelling throughout the year, notwithstanding that it is so used during part only of the year.

(4) For the purposes of this Part a caravan pitch (and any area comprising it) shall be taken as including the caravan for the time being on the pitch if, but only if, apart from this paragraph, the caravan would be included as part of a hereditament.

(5) Where any area of a caravan site is valued as a single hereditament under sub-paragraph (1), that area shall, for the purposes of this Order, be deemed to be a single hereditament in the occupation of the site operator and shall be so treated.

(a) 1963 c. 17 (N.I.).

3.—(1) Where an alteration is made in the valuation list in consequence of this Part, the district valuer shall serve certificates of the alteration on the persons mentioned in Article 56 (8) stating—

- (a) how many caravans occupied by persons other than the site operator are included in the hereditament under this Part, and
- (b) how much of the net annual value is attributed to those caravans, together with their pitches.

(2) After receiving a certificate of the alteration under sub-paragraph (1) the site operator shall display a notice on the site from the beginning of April to the end of October in every year so long as the site or part of it is treated as a single hereditament under this Part (but starting with the April following the receipt of the certificate if it is received in October) and shall state in the notice so displayed—

- (a) the part of the site included in the hereditament to which the certificate relates (or that the whole of the site is so included);
- (b) the facts stated in the certificate under sub-paragraph (1);
- (c) the amount in the pound of rate chargeable in respect of the hereditament during the year in which the notice is displayed.

(3) If at any time it appears to the district valuer that the facts stated in a certificate under sub-paragraph (1) or this sub-paragraph are no longer accurate, he shall give to the site operator a further certificate of the alteration bringing the facts so stated up to date; and the certificate or last certificate received by the site operator under this sub-paragraph shall after his receipt of it (or, if it is received in October, then from the beginning of the following April) take the place of the certificate under sub-paragraph (1) for the purposes of sub-paragraph (2) (b).

(4) The notice required by sub-paragraph (2) shall be displayed at some conspicuous place where it is likely to attract the attention of persons occupying pitches for leisure caravans which are included in the hereditament by virtue of this Part.

(5) If so requested by a person occupying any such pitch, the site operator shall give him in writing the information required by sub-paragraph (2) to be given by a notice under that sub-paragraph as the sub-paragraph would apply at the time of the request if a notice were required to be displayed at all times after receipt of a certificate under sub-paragraph (1) and to take account of any certificate received under sub-paragraph (3).

- (6) Any site operator who, without reasonable excuse, fails—
 - (a) to display and keep displayed a notice as required by sub-paragraphs (2) and (4), or
 - (b) to give information as required by sub-paragraph (5) within one month after a written request from that person,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.”.

Postponement of minor changes in liability to rates

4. In Article 13 of the principal Order (effect of alteration in valuation list)—

- (a) in paragraph (1) (c), after the words “the alteration shall” there shall be inserted the words “, subject to paragraph (1A),”; and

(b) after paragraph (1) there shall be inserted the following paragraph—

“(1A) Where an alteration falling within paragraph (1) (c) increases or decreases the net annual value ascribed to the hereditament by an amount not exceeding £30 or such other amount as the Department may by order subject to affirmative resolution substitute, the alteration shall have effect on and after the date of the commencement of the year immediately following the year in which the alteration is made.”.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Rates (Northern Ireland) Order 1977. Article 3 permits caravan sites to be treated as single hereditaments for the purposes of that Order. Article 4 provides that where valuation changes do not exceed a prescribed amount the changes shall not take effect until the following financial year.