
STATUTORY INSTRUMENTS

2004 No. 703

The Rates (Amendment) (Northern Ireland) Order 2004

Additional powers

Power of Department to require information where hereditament is unoccupied

6.—(1) In Article 26 of the principal Order (power of Department to require information as to ownership, etc., of hereditaments), after paragraph (2) there shall be inserted the following paragraphs—

“(2A) If a hereditament to which Schedule 8A applies is unoccupied and the name and address of the person entitled to possession of it are unknown to the Department, the Department may, for the purposes of this Order, serve a notice on any relevant person requiring him to provide to the Department in writing, within a period and in the manner specified in the notice, such prescribed information in respect of that hereditament as is required by the notice and is within his knowledge or control.

(2B) In paragraph (2A) “relevant person” means a district council or any person who the Department has reason to believe is or has been—

- (a) a person on whom a notice may be served under paragraph (1) or (2);
- (b) a person entitled to possession of the hereditament;
- (c) a person doing estate agency work (within the meaning of the Estate Agents Act 1979);
- (d) a statutory undertaker (within the meaning of the [Planning \(Northern Ireland\) Order 1991 \(NI 11\)](#)); or
- (e) a communications provider (within the meaning of the Communications Act 2003 (c. 21)) or a public telecommunications operator (within the meaning of the Telecommunications Act 1984 (c. 12)).”.

(2) In paragraph (3) of that Article (duty to comply with notice), for the words “paragraph (1) or (2)” there shall be substituted the words “this Article”.

Powers of entry

7. After Article 26 of the principal Order (power of Department to require information) there shall be inserted the following Article—

“Powers of entry of persons authorised by Department

26A.—(1) Subject to paragraph (2), any person authorised by the Department in writing in that behalf may, on production if required of his credentials, at any reasonable time enter any land for the purpose of gathering information regarding that or any other land for the purposes of this Order.

(2) A power of entry under paragraph (1) shall only be exercisable in relation to hereditaments which are specified hereditaments within the meaning of Article 39A(3) (hereditaments other than dwelling-houses, etc.).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) Paragraphs (2) to (4) of Article 58 (powers of entry of valuers) shall apply for the purposes of this Article as they apply for the purposes of that Article.”