

## SCHEDULES

### SCHEDULE 1

Article 3(3)

#### DEFINITION OF “DWELLING-HOUSE”, ETC.

1.—(1) Subject to sub-paragraph (2), Schedule 5 to the principal Order (definition of “dwelling-house”, etc.) shall have effect for the purposes of Part II of this Order as it has effect for the purposes of the principal Order.

(2) For the purposes of this Order, Schedule 5 to the principal Order (definition of “dwelling-house”, etc.) shall have effect as if—

(a) in paragraph 2 there were added after sub-paragraph (4)—

“(5) The following shall be deemed not to be used for the purposes of a private dwelling—

(a) so much of an area of a caravan site which is valued as a single hereditament under sub-paragraph (1) of paragraph 2 of Part XIII of Schedule 12 as is not in the occupation of the site operator;

(b) a caravan pitch which is a separate hereditament in the circumstances mentioned in that sub-paragraph but in relation to which the district valuer has not exercised the power conferred by that sub-paragraph;

(c) a caravan pitch which is entered separately in the valuation list following an application under sub-paragraph (2) of that paragraph.”;

(b) in paragraph 3(a) and (b), after the word “garden,” there were inserted the words “ park, pleasure ground, ”;

(c) in paragraph 4(2), for the words “the hereditament, to the extent of so much of its net annual value as is apportioned to that part,” there were substituted the words “ that part ”;

(d) after paragraph 4 there were inserted—

“**4ZA.**—(1) A hereditament or part of a hereditament shall be deemed not to be used for the purposes of a private dwelling if it is—

(a) held by the Secretary of State for the purposes of armed forces accommodation; and

(b) situated within the perimeter of a military establishment.

(2) In this paragraph “military establishment” means an establishment used by any of Her Majesty's forces.”;

(e) paragraph 4A were omitted;

(f) in paragraph 5 sub-paragraph (d) were omitted.

(3) For the purposes of this Order, the principal Order shall have effect as if paragraph 2(3) of Part XIII of Schedule 12 to the principal Order were omitted.

2.—(1) In this Order “private garage” means, subject to sub-paragraph (2), a hereditament which is used wholly or mainly for the accommodation of a motor vehicle.

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- (2) For the purposes of sub-paragraph (1) a hereditament which is used—
- (a) for the purposes of a trade or business; or
  - (b) by a charity, a public body or any other body that is not established or conducted for profit, is not a private garage.
- (3) In sub-paragraph (2)—
- “charity” means a body established for charitable purposes only;
  - “public body” means—
- (a) a body established by or under a statutory provision; or
  - (b) a department of the Government of the United Kingdom.
- 3.—**(1) In this Order “private storage premises” means a hereditament which is used wholly in connection with a dwelling-house or dwelling-houses and so used wholly or mainly for the storage of domestic articles belonging to the residents.
- (2) In sub-paragraph (1)—
- “domestic articles” means—
- (a) household stores and other articles for domestic use;
  - (b) light vehicles, whether mechanically-propelled or not;
- “residents” means persons residing in the dwelling-house or dwelling-houses referred to in sub-paragraph (1).
- 4.—**(1) The Department may by regulations modify paragraphs 1 to 3.
- (2) In sub-paragraph (1) “modify” has the same meaning as in the principal Order.
- (3) Regulations shall not be made under this paragraph unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

## SCHEDULE 2

Article 4.

### CAPITAL VALUE

#### *Basis of valuation*

**1.** For the purposes of Part II of this Order the capital value of a hereditament shall be the amount which, on the assumptions mentioned in paragraphs 3 to 9, the hereditament might reasonably have been expected to realise if it had been sold on the open market by a willing seller on 1st January 2005.

#### *Interpretation*

**2.** In this Schedule—

“agricultural land” has the meaning given by paragraph 1 of Schedule 1 to the principal Order;

“development” has the meaning given by [F1section 250(1) of the Planning Act];

“fish farm” has the meaning given by Article 2(2) of the principal Order;

“flat”, in relation to a building, means a dwelling which is a separate set of premises, whether or not on the same floor, divided horizontally from some other part of the building;

“incumbrance” means any incumbrance, whether capable of being removed by the seller or not, except service charges;

“permitted development” means development for which planning permission is not required or for which no application for planning permission is required;

[<sup>F2</sup> “ Planning Act ” means the Planning Act (Northern Ireland) 2011; ]

“planning permission” has the meaning given by [<sup>F1</sup>section 250(1) of the Planning Act];

“rentcharge” has the meaning given by section 27(1) of the Ground Rents Act (Northern Ireland) 2001 (c. 5).

#### Textual Amendments

**F1** Words in Sch. 2 para. 2 substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 6 para. 100\(a\)](#) (with s. 211); S.R. 2015/49, arts. 2, 3, [Sch. 1](#) (with [Sch. 2](#) (as amended (16.3.2016) by S.R. 2016/159, art. 2))

**F2** Words in Sch. 2 para. 2 substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 6 para. 100\(b\)](#) (with s. 211); S.R. 2015/49, arts. 2, 3, [Sch. 1](#) (with [Sch. 2](#) (as amended (16.3.2016) by S.R. 2016/159, art. 2))

#### *The assumptions*

3. The sale was with vacant possession.
4. The estate sold was the fee simple absolute or, in the case of a flat, a lease for 99 years at a nominal rent.
5. The hereditament was sold free from any rentcharge or other incumbrance.
- 6.—(1) The hereditament was in an average state of internal repair and fit out, having regard to the age and character of the hereditament and its locality.  
(2) The hereditament was otherwise in the state and circumstances in which it might reasonably be expected to be on 1st April 2007.
7. The hereditament had no development value other than value attributable to permitted development.
- 8.—(1) A hereditament falling (or deemed to fall) within sub-paragraph (a), (b), (c) or (d) of Article 3(1) would always fall within that sub-paragraph.  
(2) A house—
  - (a) occupied in connection with agricultural land or a fish farm; and
  - (b) used as the dwelling of a person falling within sub-paragraph (3),would always be so occupied and used.
- (3) A person falls within this sub-paragraph if—
  - (a) his primary occupation is the carrying on or directing of agricultural or fish farming operations on the land or fish farm mentioned in sub-paragraph (2)(a); or
  - (b) he is—
    - (i) employed in agricultural or, as the case may be, fish farming operations on the land or fish farm mentioned in sub-paragraph (2)(a); and
    - (ii) entitled, whether as tenant or otherwise, so to use the house only while so employed.
- 9.—(1) There has been no relevant contravention of—
  - (a) any statutory provision; or

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(b) any requirement or obligation, whether arising under a statutory provision, an agreement or otherwise.

(2) In this paragraph “relevant contravention” means a contravention which would affect the capital value of the hereditament.

SCHEDULE 3

Article 11(2)

SCHEDULE TO BE INSERTED IN PRINCIPAL ORDER AS SCHEDULE 13A

“SCHEDULE 13A

LISTED BODIES FOR PURPOSES OF ARTICLE 41A

Ancient Order of Hibernians

Apprentice Boys of Derry

Grand Lodge of Freemasons of Ireland

Grand Orange Lodge of Ireland

Independent Loyal Orange Institution

Order of the Knights of St. Columbanus

Royal Antediluvian Order of Buffaloes

Royal Black Institution.”.

SCHEDULE 4

Article 16.

REPEALS

Short Title	Extent of repeal
Rates (Northern Ireland) Order 1977 (NI 28).	In Article 31(2)(c), the words “or (f)”. In Article 33B(1), the words “which a person is liable to pay”. Article 41(2)(f) and (10).

**Changes to legislation:** There are currently no known outstanding effects for the *The Rates (Capital Values, etc.) (Northern Ireland) Order 2006*. (See end of Document for details)

	Article 61(1)(bb).
Rates Amendment (Northern Ireland) Order 1979 (NI 4).	Article 4. Article 7(c), (e) and (f).
Rates (Amendment) (Northern Ireland) Order 1994 (NI 11).	Article 4(2) and (3).

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**Changes to legislation:**

There are currently no known outstanding effects for the The Rates (Capital Values, etc.) (Northern Ireland) Order 2006.