
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 148

The Rate Relief (Education, Training and Leaving Care) Regulations (Northern Ireland) 2007

PART 2

Rate Relief

Grant of Rate Relief

6.—(1) Subject to the following provisions and to the condition in Article 30B(2) of the 1977 Order, a person shall not be chargeable to rates in respect of a hereditament for any period during which—

- (a) the hereditament is used wholly for the purposes of a private dwelling or (not being a hereditament which comprises a hall of residence distinguished in the NAV list as wholly exempt from rates) is otherwise wholly used for living accommodation; and
- (b) every occupier of it qualifies for rate relief and, subject to paragraph (4), occupies the hereditament as his only or principal residence.

(2) For the purposes of Article 30B(4) of the 1977 Order a person undertaking a designated course or approved course of training shall be regarded for the purposes of these Regulations as occupying a hereditament as his only or principal residence—

- (a) for a year if throughout that year he satisfied the conditions referred to in paragraph (3) (a) or (b), as the case may be, and occupies it as his only or principal residence for not less than 24 weeks in that year; or
- (b) for any quarter if throughout that quarter he satisfies the conditions referred to in paragraph (3)(a) or (b), as the case may be, and occupies it as his only or principal residence for not less than 6 weeks in that quarter.

(3) For the purposes of Article 30B(3)(a)(ii) of the 1977 Order—

- (a) the conditions set out in regulation 7 are prescribed in relation to education;
- (b) the conditions set out in regulation 8 are prescribed in relation to training; and
- (c) the conditions set out in regulation 9 are prescribed in relation to leaving care.

(4) Notwithstanding paragraph (1)(b), where an occupier of a hereditament has parental responsibility for another occupier of the hereditament, that other occupier need not occupy the hereditament as his only or principal residence.

Conditions relating to education

7.—(1) The conditions referred to in regulation 6(3)(a) are that—

- (a) the person concerned is an eligible student, that is to say he is undertaking a designated course; and
- (b) his status as an eligible student has not terminated.

(2) For the purposes of paragraph (1) and subject to paragraph (3), a course is a designated course if it is—

- (a) mentioned in Schedule 1;
- (b) one of the following—
 - (i) a full-time course; or
 - (ii) a sandwich course;
- (c) of at least one academic year's duration;
- (d) except in the case of a sandwich course, a course where persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 24 weeks in each year thereof and in each week that person is required to attend he is expected to undertake periods of study or tuition amounting to at least 21 hours on average; and
- (e) wholly provided by a publicly-funded educational institution in the United Kingdom or by a relevant institution of higher education in the Republic of Ireland which (in either case) is maintained or assisted by recurrent grants out of public funds or provided by such an institution in conjunction with an institution outside the United Kingdom.

(3) For the purposes of this regulation a university and any constituent college or institution in the nature of a college of a university is to be regarded as publicly funded if either the university or the constituent college or institution is publicly funded.

(4) A course to which this paragraph applies is considered to be a single course for a first degree or for an equivalent qualification even though—

- (a) the course may lead to another degree or qualification being conferred before the degree or equivalent qualification; and
- (b) part of the course may be optional.

(5) Paragraph (4) applies to a course the standard of which is not higher than a first degree which leads to a qualification as a medical doctor, dentist, veterinary doctor, architect, landscape architect, landscape designer, landscape manager, town planner or town and country planner.

(6) A person shall be regarded for the purposes of paragraph (1) as undertaking a designated course during the period in which he is a gap year student.

(7) A person's status as an eligible student terminates—

- (a) at the end of the academic year in which the student completes the designated course;
- (b) when the student withdraws from his designated course and he is not a transfer student; or
- (c) when the student abandons or is expelled from his designated course.

Conditions relating to training

8.—(1) The conditions referred to in regulation 6(3)(b) are that—

- (a) the person concerned is an eligible trainee, that is to say he is undertaking an approved course of training;
- (b) his status as an eligible trainee has not terminated; and
- (c) he is not a gap year student or undertaking a sandwich course.

(2) For the purposes of paragraph (1) and subject to paragraph (3), a course is an approved course of training if it is—

- (a) provided by an institution pursuant to arrangements made by the Department for Employment and Learning under and for the purposes of section 1 of the Employment and Training (Northern Ireland) Act 1950(1);
 - (b) one which leads to a recognised qualification for employment or employment of a particular type;
 - (c) of at least one academic year's duration; and
 - (d) a course where persons undertaking it are normally required by the institution providing it to attend (whether at premises of the institution or elsewhere) for a period of at least 24 weeks in each year thereof and in each week that person is required to attend he is expected to undertake periods of study, tuition or work amounting to at least 21 hours on average.
- (3) A person's status as an eligible trainee terminates—
- (a) at the end of the academic year in which the trainee completes the approved course of training;
 - (b) when the trainee withdraws from his course; or
 - (c) when the trainee abandons or is expelled from his course.

Conditions Relating to Leaving Care

9. The conditions referred to in regulation 6(3)(c) are that the person concerned is—
- (a) a former relevant child within the meaning of Article 34D of the 1995 Order in relation to whom any Authority is under a duty under paragraphs (2), (3) or (4) of that Article; or
 - (b) a person qualifying for advice and assistance within the meaning of Article 35 of the 1995 Order.

Applications

10. A person shall not be chargeable to rates by virtue of Article 30B of the 1977 Order and these Regulations only if the application made (by him or another person) to the Department for the purpose contains such information as the Department may reasonably require.