

2008 No. 153

RATES

**The Valuation Tribunal (Amendment) Rules (Northern Ireland)
2008**

Made - - - - - *31st March 2008*

Coming into operation - *5th May 2008*

To be laid before Parliament

The Lord Chancellor makes the following Rules in exercise of the powers conferred by Article 36A(3) of, and paragraphs 7 to 13 of Schedule 9B to, the Rates (Northern Ireland) Order 1977^(a).

Citation and commencement

1. These Rules may be cited as the Valuation Tribunal (Amendment) Rules (Northern Ireland) 2008 and shall come into operation on 5th May 2008.

Amendment to the Valuation Tribunal Rules (Northern Ireland) 2007

2. The Valuation Tribunal Rules (Northern Ireland) 2007^(b) shall be amended in accordance with rules 3 to 7.

3.—(1) In rule 2(1) (*Interpretation*)—

(a) after the definition of “the 2007 Regulations” insert—

““the 2008 Regulations” means the Rate Relief (Lone Pensioner Allowance) Regulations (Northern Ireland) 2008;”;

(b) in the definition of “appeal”—

(i) in paragraph (a) omit “or”; and

(ii) after paragraph (b) insert—

“or

(c) regulation 10(1) of the 2008 Regulations;”;

(c) after the definition of “appeal” insert—

““the Executive” means the Northern Ireland Housing Executive;”;

(d) in the definition of “respondent”—

(i) in paragraph (a) omit “and”; and

(ii) after paragraph (b) insert—

(a) S.I. 1977/2157 (N.I. 28); Article 36A was inserted by Article 29(1) of the Rates (Amendment) (Northern Ireland) Order 2006, S.I. 2006/2954 (N.I. 18) and Schedule 9B was inserted by Article 29(2) of, and Schedule 1 to, that Order.

(b) S.R. 2007 No. 182.

“and

- (c) in relation to an appeal under regulation 10(1) of the 2008 Regulations, means the Department or the Executive as the case may be;”.

4. In rule 5 (*Notice of appeal*) after paragraph (d) insert—

- “(e) an appeal under regulation 10(1) of the 2008 Regulations shall be instituted by delivering to the Secretary a notice of appeal in accordance with Form 5 within 28 days of the Department or, as the case may be, the Executive issuing the notice of the result of the review.”.

5. In rule 22 (*Case stated for the Court of Appeal*) for paragraph (1) substitute—

- “(1) An application under—
 - (a) Article 31A(12C) of the 1977 Order; or
 - (b) regulation 12(2) of the 2007 Regulations; or
 - (c) regulation 10(2) of the 2008 Regulations,

for a case to be stated upon a point of law for the decision of the Court of Appeal shall be made by delivering to the Secretary—

- (i) within 14 days of the receipt of the notice in writing of the decision of the Valuation Tribunal by the applicant, a notice of application stating the point of law upon which the applicant wishes to have the decision of the Court of Appeal; and
- (ii) within 14 days of delivery to the Secretary of the notice of application referred to in sub-paragraph (i), a draft case.”.

6. In rule 24 (*Service of documents*)—

- (a) in paragraph (4) after “the Department” insert “or the Executive”; and
- (b) in paragraph (8)—
 - (i) in sub-paragraph (b) omit “and”; and
 - (ii) after sub-paragraph (c) insert—

“; and

- (d) the proper address of the Executive is such address as the Executive from time to time specifies in a notice delivered to the Secretary as being the proper address in all such proceedings.”.

7. In the Schedule after Form 4 insert the form set out in the Schedule to these Rules.

Signed by the authority of the Lord Chancellor

David Hanson
Minister of State
Ministry of Justice

Dated 31st March 2008

SCHEDULE

Rule 7

Form 5

Rule 5(e)

RATES (NORTHERN IRELAND) ORDER 1977

Notice of appeal against the result of a review by the Department or the Executive of a decision made by it on an application for a rate rebate under the Rate Relief (Lone Pensioner Allowance) Regulations (Northern Ireland) 2008

To: The Secretary Northern Ireland Valuation Tribunal

Before completing please read the notes below

- 1. I ... of ... being dissatisfied with the result of the review by the Department of Finance and Personnel / Northern Ireland Housing Executive of a decision made by it on my application for a rate rebate under the Rate Relief (Lone Pensioner Allowance) Regulations (Northern Ireland) 2008 in respect of the hereditament situated at ... give notice of appeal.
2. The grounds of appeal are:
3. I am content for the appeal to be disposed of by written representations/request a hearing.
4. All communications regarding this appeal should be addressed to me at 1 above.

Dated: Signed: Appellant

Notes

AT 1. Insert your name and postal address in full and address of hereditament in respect of which the appeal is being made. Delete the reference to the Department of Finance and Personnel or Northern Ireland Housing Executive as appropriate.

AT 2. Please state briefly why you are dissatisfied with the result of the review. If there is

insufficient space on the form please use a separate sheet and attach securely to the form.

AT 3. Delete as appropriate. Please note that the written consent of all the other parties is required in order for the appeal to be disposed of by written representations.

General

1. This notice of appeal should be delivered to the Secretary of the Northern Ireland Valuation Tribunal within 28 days of the Department or the Executive issuing the notice of the result of the review.
2. An application for the extension of the time limits imposed by the Valuation Tribunal Rules (Northern Ireland) 2007 for delivering a notice of appeal or taking any steps in connection with any proceedings may be made to the Secretary in accordance with rule 9(7) of those Rules.

EXPLANATORY NOTE

(This note is not part of the Rules)

The Valuation Tribunal Rules (Northern Ireland) 2007 [S.R. 2007 No. 182] (“the principal Rules”) regulate the exercise of rights of appeal to the Northern Ireland Valuation Tribunal (“the Tribunal”) and prescribe the practice and procedure in relation to proceedings before the Tribunal.

These Rules amend the principal Rules in consequence of the introduction of a right of appeal to the Tribunal against the result of a review by the Department of Finance and Personnel or the Northern Ireland Housing Executive of a decision made by it on an application for a rate rebate under the Rate Relief (Lone Pensioner Allowance) Regulations (Northern Ireland) 2008, [S.R. 2008 No. 124].