

SCHEDULE

Regulations 2(2), (4) and (5) and 3(b)

Classes of hereditament not prescribed for the purposes of paragraph 1(1)(a) of Schedule 8A to the Rates (Northern Ireland) Order 1977

1.—(1) Subject to regulation 2(2) and sub-paragraph (2), the hereditament is included in the NAV list and has been unoccupied for a continuous period not exceeding three months.

(2) A hereditament shall be excluded from the class of hereditament described in sub-paragraph (1) to the extent (if any) to which it appears that, when next in use, it will be used for the purposes of a private dwelling.

Commencement Information

I1 Sch. para. 1 in operation at 1.10.2011, see **reg. 1**

2.—(1) Subject to sub-paragraph (3)—

(a) the hereditament—

(i) was first included in a valuation list after 31st March 2007;

(ii) is included in the capital value list;

(iii) has not previously been occupied; and

^{F1}(iv)

(b) the person entitled to possession of the hereditament is a developer.

(2) In this paragraph—

“developer” means a person who has undertaken, arranged or carried out development work and who is also the first owner of the hereditament;

“development work” means any building operations which results in a new building; and

“owner” means any person for the time being receiving or entitled to receive, on his own account, the rack rent of the hereditament in connection with which the word is used or who, if the hereditament were let at a rack rent, would so receive or be entitled to receive that rent.

(3) A hereditament, other than a private garage or private storage premises, shall be excluded from the class of hereditament described in sub-paragraph (1) to the extent (if any) to which it appears that, when next in use, it will be used other than for the purposes of a private dwelling.

F1 Words in Sch. para. 2(1)(a)(iv) substituted (1.4.2013) by The Rates (Unoccupied Hereditaments) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/47), regs. 1, 2

Commencement Information

I2 Sch. para. 2 in operation at 1.10.2011, see **reg. 1**

3.—(1) Subject to regulation 2(2) and sub-paragraph (2), the hereditament is included in the NAV list, has been unoccupied for a continuous period not exceeding twelve months and the person entitled to possession of the hereditament throughout that period is a person which—

(a) is a company limited by guarantee within the meaning of Part 1 of the Companies Act 2006(1);

(1) 2006 c. 46

Changes to legislation: There are currently no known outstanding effects for the Rates (Unoccupied Hereditaments) Regulations (Northern Ireland) 2011. (See end of Document for details)

- (b) is funded in respect of its capital costs, in whole or in part, by a public body; and
- (c) provides accommodation and support services for a trade or business.

(2) A hereditament shall be excluded from the class of hereditament described in subparagraph (1) to the extent (if any) to which it appears that, when next in use, it will be used for the purposes of a private dwelling.

Commencement Information

I3 Sch. para. 3 in operation at 1.10.2011, see **reg. 1**

4. The hereditament is a qualifying industrial hereditament.

Commencement Information

I4 Sch. para. 4 in operation at 1.10.2011, see **reg. 1**

5. The person entitled to possession of the hereditament is prohibited by law from occupying it or allowing it to be occupied.

Commencement Information

I5 Sch. para. 5 in operation at 1.10.2011, see **reg. 1**

6. The hereditament is kept vacant by reason of action taken by or on behalf of any public body with a view to prohibiting its occupation or to acquiring it.

Commencement Information

I6 Sch. para. 6 in operation at 1.10.2011, see **reg. 1**

7. Any building or part of a building comprising the hereditament or part of the hereditament is included in a list compiled under Article 42 of the Planning (Northern Ireland) Order 1991⁽²⁾ or is the subject of a building preservation notice within the meaning of Article 42A of that Order.

Commencement Information

I7 Sch. para. 7 in operation at 1.10.2011, see **reg. 1**

8. Any building or part of a building comprising the hereditament or part of the hereditament is included in the Schedule of monuments compiled under Article 3(1) of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995⁽³⁾.

Commencement Information

I8 Sch. para. 8 in operation at 1.10.2011, see **reg. 1**

9. The rateable net annual value of the hereditament is less than £2,000.

(2) S.I. 1991/1220 (N.I. 11); Article 42A was inserted by Article 25 of the Planning (Amendment) (Northern Ireland) Order 2003 (S.I. 2003/430 (N.I. 8))
(3) S.I. 1995/1625 (N.I. 9)

Commencement Information

I9 Sch. para. 9 in operation at 1.10.2011, see **reg. 1**

10. The rateable capital value of the hereditament is less than £20,000.

Commencement Information

I10 Sch. para. 10 in operation at 1.10.2011, see **reg. 1**

11. The person entitled to possession of the hereditament is so entitled only in his capacity as the personal representative of a deceased person.

Commencement Information

I11 Sch. para. 11 in operation at 1.10.2011, see **reg. 1**

12. There subsists in respect of the estate of the person entitled to possession of the hereditament a bankruptcy order within the meaning of Parts I and VIII to X of the 1989 Order.

Commencement Information

I12 Sch. para. 12 in operation at 1.10.2011, see **reg. 1**

^{F2}13.

F2 Sch. para. 13 omitted (30.6.2021) by virtue of [The Insolvency \(Amendment\) \(2016 Act\) \(Consequential Amendments and Revocation\) Order \(Northern Ireland\) 2021 \(S.R. 2021/140\)](#), **art. 7**, reg. 1

Commencement Information

I13 Sch. para. 13 in operation at 1.10.2011, see **reg. 1**

14. The person entitled to possession of the hereditament is—

- (a) a company in administration within the meaning of paragraph 2 of Schedule B1 to the 1989 Order⁽⁴⁾ or is subject to an administration order made under the former administration provisions within the meaning of Article 2 of the Insolvency (2005 Order) (Transitional Provisions and Savings) Order (Northern Ireland) 2006⁽⁵⁾; or
- (b) a company which is subject to a winding-up order made under the 1989 Order or which is being wound up voluntarily under that Order.

Commencement Information

I14 Sch. para. 14 in operation at 1.10.2011, see **reg. 1**

15. The person entitled to possession of the hereditament is so entitled in his capacity as liquidator by virtue of an order made under Article 98 or Article 123 of the 1989 Order.

(4) Schedule B1 was inserted by Article 3(2) of, and Schedule 1 to, the Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10))
(5) S.R. 2006 No. 22

Commencement Information

I15 Sch. para. 15 in operation at 1.10.2011, see [reg. 1](#)

16. The person entitled to possession of the hereditament is the Foyle, Carlingford and Irish Lights Commission.

Commencement Information

I16 Sch. para. 16 in operation at 1.10.2011, see [reg. 1](#)

17.—(1) Subject to sub-paragraphs (4) and (5)—

- (a) the hereditament is included in the capital value list; and
- (b) the person entitled to possession of the hereditament or, if there is more than one such person, each such person previously occupied the hereditament, and when he last did so, occupied it as his only or principal residence; and
- (c) that person—
 - (i) has his only or principal residence in a hospital, nursing home or residential care home; or
 - (ii) is detained in a prison, a hospital or any other place by virtue of an order or award to which sub-paragraph (2) applies; or
 - (iii) is imprisoned under, or in service custody for the purposes of the Armed Forces Act 2006⁽⁶⁾ and, where a person is in service custody, the custody forms part of a continuous period exceeding 48 hours; or
 - (iv) is detained under paragraph 2 of Schedule 3 to the Immigration Act 1971⁽⁷⁾ (deportation); or
 - (v) is detained under the Mental Health (Northern Ireland) Order 1986⁽⁸⁾ or corresponding legislation in Great Britain or the Republic of Ireland.

(2) This sub-paragraph applies to—

- (a) an order of a court in the United Kingdom or the Republic of Ireland;
- (b) an order or award (whether or not of a court) made (anywhere) in proceedings in respect of a service offence within the meaning of the Armed Forces Act 2006.

(3) If a person—

- (a) is temporarily discharged under section 24 of the Prison Act (Northern Ireland) 1953⁽⁹⁾, temporarily released under rules under section 13 of that Act or temporarily discharged or temporarily released under corresponding legislation in Great Britain or the Republic of Ireland; or
- (b) is temporarily released under rules under section 300 of the Armed Forces Act 2006,

he shall, for the purposes of sub-paragraph (1), be treated as detained or, as the case may be, imprisoned.

⁽⁶⁾ 2006 c. 52

⁽⁷⁾ 1971 c. 77

⁽⁸⁾ S.I. 1986/595 (N.I. 4)

⁽⁹⁾ 1953 c. 18 (N.I.)

(4) Sub-paragraph (1) does not apply where the person is detained under Article 92 of the Magistrates' Courts (Northern Ireland) Order 1981⁽¹⁰⁾ or corresponding legislation in Great Britain or the Republic of Ireland for default in payment of a fine.

(5) A hereditament shall be excluded from the class of hereditament described in sub-paragraph (1) to the extent (if any) to which it appears that, when next in use, it will be used other than for the purposes of a private dwelling.

(6) In this paragraph—

“hospital”, except in sub-paragraph (1)(c)(ii), has the same meaning as in Article 2 of the 2003 Order;

“nursing home” has the same meaning as in Article 11 of the 2003 Order;

“order” includes a sentence, direction, warrant or other means of giving effect to a decision; and

“residential care home” has the same meaning as in Article 10 of the 2003 Order.

Commencement Information

I17 Sch. para. 17 in operation at 1.10.2011, see [reg. 1](#)

18. The hereditament is a hereditament which is the subject of an agreement made with the Department under Article 21 of the Rates (Northern Ireland) Order 1977.

Commencement Information

I18 Sch. para. 18 in operation at 1.10.2011, see [reg. 1](#)

[^{F3}19. The person entitled to possession of the hereditament has made an application under a scheme under Article 29 (scheme for purchase of evacuated properties) of the Housing (Northern Ireland) Order 1988 in respect of the hereditament and the conditions under the scheme for acceptance of that application are satisfied.]

F3 Sch. para. 19 added (15.4.2013) by [The Rates \(Unoccupied Hereditaments\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/80\)](#), regs. 1, 2

[^{F4}20.—(1) Subject to the conditions in sub-paragraph (2), the hereditament is located in an area included within a scheme made under Article 26 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 and the person entitled to possession of the hereditament has qualified for payment from a council assisted under that scheme.

(2) Sub-paragraph (1) applies only to a hereditament which—

(a) is unoccupied due to flooding following heavy rain or tidal surge;

(b) has been so unoccupied for a continuous period not less than four weeks; and

(c) when last in occupation was the only or principle residence of the person now entitled to possession of the hereditament.

(3) Where sub-paragraph (2)(b) applies the exclusion for the unoccupied hereditament will be up to a maximum of six months per incident.]

⁽¹⁰⁾ S.I. 1981/1675 (N.I. 26)

Changes to legislation: *There are currently no known outstanding effects for the Rates (Unoccupied Hereditaments) Regulations (Northern Ireland) 2011. (See end of Document for details)*

F4 Sch. para. 20 added (5.12.2017) by The Rates (Unoccupied Hereditaments) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/231), regs. 1, 2

Changes to legislation:

There are currently no known outstanding effects for the Rates (Unoccupied Hereditaments) Regulations (Northern Ireland) 2011.