

EXPLANATORY MEMORANDUM TO

The Valuation Tribunal (Amendment No. 2) Rules (Northern Ireland) 2012

S.R. 2012 No. 217

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 36A(3) of, and paragraphs 7 to 13 of Schedule 9B to, the Rates (Northern Ireland) Order 1977 ("the 1977 Order") and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule amend the Valuation Tribunal Rules (Northern Ireland) 2007 (S.R. 2007 No. 182 as amended by S.R. 2008 No. 153, S.R. 2010 No. 104 and S.R. 2012 No. 122) ("the principal Rules") in consequence of the introduction of a right of appeal to the Northern Ireland Valuation Tribunal ("the Valuation Tribunal") from a decision of the Commissioner of Valuation for Northern Ireland on an appeal against a building completion notice where that decision concerns a building which is, or when next in use is likely to be, used wholly for the purposes of a private dwelling.
- 2.2. Rule 1 contains the citation and commencement provisions.
- 2.3. Rule 4 requires the appeal to be instituted by notice to the Secretary of the Valuation Tribunal. Rule 5 and the Schedule prescribes the form of the notice. Rules 2 and 3 contain amendments of the principal Rules which are consequential on the new right of appeal.

3. Background

- 3.1. The rating of empty homes was introduced on 1 October 2011 by virtue of the Rates (Unoccupied Hereditaments) Regulations (Northern Ireland) 2011, S.R. 2011 No. 36. The provisions enabling the Department of Finance and Personnel to specify, for the purposes of unoccupied rating, a completion day for a new building are also extended to private dwellings from 1 October 2011 by virtue of the coming into operation of section 14 of, and paragraphs 8 and 10 of Schedule 1 to the Rates (Amendment) Act (Northern Ireland) 2009 on that date. Specification of a completion day is by completion notice served on a person entitled to possession of a new building and, under paragraph 4 of Schedule 8B to the 1977 Order, such a person may appeal against the notice to the Commissioner of Valuation for Northern Ireland. If dissatisfied with the Commissioner's decision, the appellant may make a further appeal to the Valuation Tribunal under paragraph 9 of Schedule 8B to the 1977 Order and the Rates (Appeals) Regulations (Northern Ireland) 2011 (S.R. 2007 No. 150 as amended by S.R. 2011 No. 378).

- 3.2. This Statutory Rule amends the principal Rules in consequence of the introduction on this new right of appeal.

4. Consultation

- 4.1. Consultation on the detailed policy for the rating of empty homes was undertaken between May and August 2008 and the way forward subsequently set out in a consultation report in 2009. Further details on the consultation paper and subsequent consultation report can be found on the Rating Review website at www.ratingreviewni.gov.uk.
- 4.2. No additional consultation is deemed necessary in relation to this provision which occurs as a result of wider policy decisions on the rating of empty homes.

5. Equality Impact

- 5.1. It is the Department's assessment that there are no new equality impact implications in respect of this Rule.

6. Regulatory Impact

- 6.1. The impact of this Statutory Rule is subsumed within the overall impact of vacant rating policy in Northern Ireland. In respect of the rating of empty homes, this Rule replicates existing vacant rating provision to support the implementation of that policy. This Rule represents the final phase of a series of statutory rules, which were required to implement the policy to rate empty homes.

7. Financial Implications

- 7.1 This Statutory Rule will increase the workload of the Valuation Tribunal but the precise financial implications of this will depend on the number of appeals made to the Tribunal. Appeal numbers are, however, expected to be very low and to diminish over time as the policy beds in. The situation will be monitored and subject to business case approval additional cost will be attended to by the Department of Finance and Personnel.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. It is the view of the Department that this Rule is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. Operation of the Statutory Rule will be kept under review by the Northern Ireland Courts and Tribunals Service on behalf of the Department of Justice. If further information is required regarding these Rules please contact Mark McClean at the Northern Ireland Courts and Tribunals Service (Tel: 028 90728752 or email mark.mcclean@courtsni.gov.uk).

- 11.2. Brian McClure at the Department of Finance and Personnel (Rating Policy) (Tel: 028 91 858018 or email brian.mcclure@dfpni.gov.uk) can answer any queries regarding the introduction of the rating of empty homes.