

1973. No. 374

[C]

RATES**Rates Regulations (Northern Ireland)**

REGULATIONS, DATED 28TH SEPTEMBER 1973, MADE BY THE MINISTRY OF FINANCE UNDER ARTICLES 8, 34 AND 35 OF THE RATES (NORTHERN IRELAND) ORDER 1972.

The Ministry of Finance on behalf of the Secretary of State and in exercise of the powers conferred on it by Articles 8, 34 and 35 of the Rates (Northern Ireland) Order 1972(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Rates Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

(2) In these regulations “the Order” means the Rates (Northern Ireland) Order 1972.

Time of making notification of district rate

2.—(1) The date in any year not later than which a district council must make the district rate for that year under Article 8(1) of the Order shall be 7th April.

(2) The period within which a district council must notify the Ministry under Article 8(3) of the Order of the amount in the pound of the district rate made by the council shall be 7 days.

(3) The notification shall be in writing.

Payments to district councils on account of district rates

3.—(1) This regulation shall have effect for the purpose of fixing the amounts of payments which fall to be made by the Ministry to district councils under Article 34(1) of the Order.

(2) Not later than 1st March in the year 1974 and each succeeding year each district council shall serve on the Ministry notice of the amount estimated by the council under section 53(2)(e) of the Local Government Act (Northern Ireland) 1972(b) to be required to be raised by means of a rate made by the council for the next-following financial year.

(3) Subject to paragraphs (5), (6)(b) and (7) the Ministry shall during the year ending on 31st March 1975 and each succeeding year pay to each district council a sum equal to the amount of the estimate notified to the Ministry under paragraph (2) in respect of that year.

(4) The sums mentioned in paragraph (3) shall be paid by monthly instalments on the first day of each month; and, subject to paragraphs (5), (6)(b) and (7) the instalments shall, as nearly as may be, be of equal amounts, except that the Ministry may round off the amount of any of the instalments

(a) S.I. 1972, No. 1633 (N.I. 16).

(b) 1972. c. 9 (N.I.)

other than either the first or the last to the nearest hundred pounds and adjust the amount of the first or, as the case may be, the last of the instalments accordingly.

(5) If it appears to the Ministry that the amount of any estimate notified to the Ministry by a council under paragraph (2) in respect of any year is likely to be substantially greater than the product of the district rate for that year, the Ministry may determine to pay to the council during that year (subject to paragraphs (6)(b) and (7)) a sum equal to the amount which is estimated by the Ministry to be the likely product of the rate instead of the sum mentioned in paragraph (3), and any instalments under paragraph (4) which have not yet been paid may be reduced accordingly.

(6) When the amount of the product of a district rate for any year has been ascertained—

(a) if that amount exceeds the amount paid to the council in respect of that year under paragraph (3) or, as the case may be, paragraph (5) the balance shall, subject to paragraph (7), be paid by the Ministry to the district council;

(b) if that amount is less than the amount so paid the balance shall be set off against any sum which would otherwise be payable by the Ministry to the district council under this regulation.

(7) In making payments to any district council under this regulation during the year ending on 31st March 1975 or any succeeding year, the Ministry may defer payment of any sum not exceeding that which has to the amount of the estimate notified to the Ministry under paragraph (2), or, where paragraph (5) applies, the amount of the estimate made by the Ministry under that paragraph, in respect of that year the same proportion as the amount of arrears of district rate carried forward at the end of the then last-preceding year and for the time being still outstanding has to the amount which is estimated by the Ministry to be the likely product of the district rate for that last-preceding year.

(8) Before—

(a) making, under paragraph (5), any reduction in the amount of any instalment, or

(b) deferring, under paragraph (7), payment of any sum, the Ministry shall consult with the district council concerned

(9) This regulation shall apply in relation to the period of six months ending on 31st March 1974 as it applies in relation to any year as if—

(a) any reference which is, or is to be construed as, a reference to a financial year (including the references in paragraph (3) but not including any reference in paragraph (7) except the references to the last-preceding year) included a reference to that period;

(b) the reference in paragraph (2) to 1st March in any year there mentioned included a reference to 1st October 1973.

Ascertainment of rate product

4.—(1) Regulations 5, 6 and 7 shall have effect for prescribing the manner in which the product of a rate of one penny in the pound is to be ascertained for the purposes there mentioned.

(2) Where, for any of those purposes, it is necessary to ascertain the amount of the product of a rate in the pound which is more or less than one penny, that amount shall be ascertained proportionally from the amount of the product of a rate of one penny in the pound.

(3) For the purposes of regulations 5 and 6 and the Schedule, the rateable value of any hereditament or of any district or of Northern Ireland for any year shall be taken to be the sum of the rateable values of that hereditament, or of all the hereditaments in that district or in Northern Ireland, as the case may be, at the beginning of the year and at the end of the year divided by two.

(4) In regulations 5, 6 and 7 and the Schedule any reference to a year includes a reference to the period of six months ending on 31st March 1974.

Determination of the sum payable to a district council in respect of any year as being equal to the product of the rate made by that council for that year

5. For the purpose of determining under Article 34(1) of the Order the sum payable to a district council in respect of any year as being equal to the product of the rate made by that council for that year, the product of a rate of one penny in the pound for the district of the council for that year shall be ascertained in accordance with the Schedule.

The resources element of General Exchequer Grant

6.—(1) Subject to paragraph (2), for the purpose of determining under Part I of Schedule 1 to the Local Government &c. (Northern Ireland) Order 1972(c) the amount of the resources element of the General Exchequer Grant which is payable to a district council for any year, the product of a rate of one penny in the pound for the district of the council for that year shall be ascertained in accordance with the Schedule.

(2) In determining the product of a rate of one penny in the pound for any district for that purpose—

(a) there shall be added to the amount of gross rate income the amount of the derating element of the General Exchequer Grant which is payable to the council for that year; and

(b) there shall be disregarded any rebate under Article 28 of the Order.

(3) For the purpose of calculating the standard penny rate product for the purposes of the said Part I, the product of a rate of one penny in the pound for any other district shall be ascertained in a corresponding manner.

Expenditure limited by reference to a stated rate product

7. For the purposes of any transferred provision which limits the expenditure of a district council for any purpose in any year by reference to the product of a rate of a stated amount in the pound on the rateable value of the district of the council, the product of a rate of one penny in the pound for the district shall be taken to be the amount obtained by dividing the amount estimated by the council under section 53(2)(e) of the Local Government Act (Northern Ireland) 1972 to be required to be raised by means of a rate made by the council for that year by the total of the pence in the pound of the district rate for that year.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 28th day of September 1973:

(L.S.)

David Clement,
Assistant Secretary.

SCHEDULE

Regulations 5 and 6

Determination of the product of a rate of one penny in the pound*Interpretation*

1. In this Schedule "rates" means, except in paragraph 4, regional rate and district rate and, in that paragraph, regional rate and district rates.

Manner of determination

2. The product of a rate of one penny in the pound for any district for any year shall be determined by deducting from the gross rate income the cost of collection and the loss on collection and dividing the remainder (hereinafter called "the total rate product") by the total of the pence in the pound of the rates made for the year.

Gross rate income

3. The gross rate income for any district for any year shall be ascertained by adding together the following amounts:—

- (a) the total of amounts produced by calculating, from the rateable value of each hereditament in the district shown in the record kept by the Ministry of rates payable for that year, the gross liability of the hereditaments to rates for the year, less the total amount of any reliefs granted in respect of such hereditaments under Part II of Schedule 18 to the Order;
- (b) the difference between the total of the amounts payable in respect of rates in respect of hereditaments in the district which either are dwelling-houses or, though not dwelling-houses, are used mainly for the purposes of a private dwelling and the total of the amounts which would have been so payable but for the operation of Article 27 of the Order;
- (c) the total of the amounts paid by the Crown by way of contribution in lieu, or in aid, of rates as mentioned in Article 44(3) of the Order for the year in respect of property in the district;
- (d) the total of amounts by way of rates for an earlier year found during the year to be recoverable in respect of hereditaments or former hereditaments in the district under Article 13 of the Order or in respect of adjustments in respect of rates written off as irrecoverable;
- (e) 25 per cent. of the total of amounts found during the year to be recoverable in respect of adjustments of rebates under Article 28 of the Order in respect of hereditaments or former hereditaments in the district.

Cost of collection

4.—(1) The cost of collection for any district for any year shall be the proper proportion of the total cost of collection for that year of rates for the whole of Northern Ireland.

(2) The total cost of collection for any year shall be determined by ascertaining the net cost of levying rates during the year, including such proportion as the Ministry considers appropriate of—

- (a) expenses attributable in part to the matters aforesaid and in part to other matters; and
- (b) expenses incurred by way of superannuation and of compensation for loss of office or loss or diminution of emoluments;

but not including any allowances made to owners under Article 20 or 21 or to occupiers under Article 31 of the Order or any abatements made under paragraph 1(2) of Part I of Schedule 18 to the Order.

(3) For the purpose of this paragraph the proper proportion for any district for any year is the proportion which the rateable value of the district bears to the rateable value of Northern Ireland.

(4) For the purposes of sub-paragraph (3) "rateable value" shall be taken to include the values entered in the valuation list in respect of Crown property as mentioned in Article 44(3) of the Order and regulation 4(3) shall have effect accordingly.

Loss on collection

5. The loss on collection for any district for any year shall be the aggregate of the following amounts:—

- (a) the total amount for the year of rates written off in respect of hereditaments or former hereditaments in the district including allowances made by way of discount under Articles 20 and 21 of the Order but not including allowances made by the way of discount under Article 31 of the Order or abatements made under paragraph 1(2) of Part I of Schedule 18 to the Order; and
- (b) 25 per cent. of the total amount of rebates afforded in the year under Article 28 of the Order in respect of hereditaments or former hereditaments in the district.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations make provision—

- (1) prescribing the periods within which district rates must be made and notified to the Ministry of Finance in any financial year;
- (2) providing for the payments which are to be made to district councils by that Ministry on account of district rates; and
- (3) providing for the manner in which the product of a rate is to be ascertained for purposes of—
 - (a) the payments mentioned at (2) above;
 - (b) General Exchequer Grant; and
 - (c) enactments which limit a district council's expenditure for any purpose by reference to the product of a rate of a specified amount in the pound.