

2012 No. 217

RATES

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

Made - - - - - *23rd May 2012*

Coming into operation - - - - - *25th June 2012*

The Department of Justice makes the following Rules in exercise of the powers conferred by Article 36A(3) of, and paragraph 7 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 No.2) Rules (Northern Ireland) 2012 and shall come into operation on 25th June 2012.

Amendment to the Valuation Tribunal Rules (Northern Ireland) 2007

2. The Valuation Tribunal Rules (Northern Ireland) 2007(b) are amended in accordance with rules 3 to 5.

3. In rule 2(1) (*interpretation*)—

- (a) in paragraph (a) of the definition of “appeal” for “or 54” substitute “, 54 or paragraph 9(1) of Schedule 8B to,”;
- (b) in paragraph (a) of the definition of “respondent” after “Article 13(3) or 31A(12B) of” insert “, or paragraph 9 of Schedule 8B to,”.

4. In rule 5 (*notice of appeal*) after paragraph (h) insert—

- “(i) an appeal under paragraph 9 of Schedule 8B to the 1977 Order shall be instituted by delivering to the Secretary a notice of appeal in accordance with Form 9 within 28 days of the Commissioner issuing the decision.”.

5. In the Schedule after Form 8 insert the form set out in the Schedule to these Rules.

(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. These powers were transferred from the Lord Chancellor to the Department of Justice by Article 15(1) of, and paragraph 30 of Schedule 17 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976).

(b) S.R. 2007 No. 182 as amended by S.R. 2008 No. 153, S.R. 2010 No. 104 and S.R. 2012 No. 122.

Sealed with the Official Seal of the Department of Justice on 23rd May 2012



David Ford
Minister of Justice

SCHEDULE

Rule 5

“Form 9

RATES (NORTHERN IRELAND) ORDER 1977

Notice of an appeal from a decision of the Commissioner of Valuation for Northern Ireland on an appeal under paragraph 4 of Schedule 8B to the Rates (Northern Ireland) Order 1977

To: The Secretary Northern Ireland Valuation Tribunal Before completing please read the notes below

1. I/We.....of..... give notice of appeal from a decision of the Commissioner of Valuation for Northern Ireland on an appeal under paragraph 4 of Schedule 8B to the Rates (Northern Ireland) Order 1977 against a completion notice in respect of the building situated at

2. The grounds of appeal are:

3. I/We intend to appear on the appeal separately/jointly with:

4. I am/We are content for the appeal to be disposed of by written representations/request a hearing.

5. It is/is not my/our intention to call an expert witness at the hearing of the appeal.

6. The following persons liability to be rated may be affected by this appeal :- (i) Name..... Address..... (ii) Name..... Address.....

7. All communications regarding this appeal should be addressed to me/us at 1 above or to my/our Solicitor/Agent.

.....of.....] Dated: Signed:Appellant or known Agent

Notes

- AT 1 Insert your name and postal address in full and address of the building in respect of which the appeal is being made.
- AT 2 Please state briefly the grounds of your appeal. If there is insufficient space on the form please use a separate sheet and attach securely to the form.
- AT 4 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.
- AT 5 Complete only if you have requested a hearing.
- AT 6 A person's liability to be rated may be affected by the appeal where a change in the decision being appealed requires alteration to be made in the amount of a rate payable by him.

General

1. This notice of appeal should be delivered to the Secretary of the Northern Ireland Valuation Tribunal within 28 days of the Commissioner of Valuation for Northern Ireland issuing his decision.
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 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 the rights of appeal to the Northern Ireland Valuation Tribunal ("the Tribunal") and prescribe the practice and procedure in relation to the proceedings before the Tribunal.

These Rules amend the principal Rules in consequence of the introduction of a right to appeal to the 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.

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