

2010 No. 324

RATES

**The Rates (Unoccupied Property) (Prescribed Information)
Regulations (Northern Ireland) 2010**

Made - - - - - *17th September 2010*

Coming into operation - *15th October 2010*

The Department of Finance and Personnel makes the following Regulations in exercise of the powers conferred by Article 26(2A) of the Rates (Northern Ireland) Order 1977(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Rates (Unoccupied Property) (Prescribed Information) Regulations (Northern Ireland) 2010 and shall come into operation on 15th October 2010.

(2) In these Regulations—

“the 1977 Order” means the Rates (Northern Ireland) Order 1977;

“estate agency work” has the same meaning as in the Estate Agents Act 1979(b);

Information to be provided by a relevant person

2. For the purposes of paragraph (2A) of Article 26 of the 1977 Order, the following information is prescribed in relation to a notice served under that paragraph in respect of any hereditament, that is to say:

- (a) where the notice is served on a district council, the name and address of any person who, on a date or during a period specified in the notice—
 - (i) made an application to that council for refuse to be collected from the hereditament;
 - (ii) made an application to that council for an entertainments licence to be granted, renewed or transferred in respect of the hereditament under paragraph 3 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985(c);
- (b) where the notice is served on a person who the Department has reason to believe is or has been doing estate agency work in respect of the hereditament on a date or during a period specified in the notice, the name and address of any person on whose instructions any such work was done;

(a) S.I. 1977/2157 (N.I. 28); Article(2A) was inserted by Article 6 of the Rates (Amendment) (Northern Ireland) Order 2004 (S.I. 2004/703 (N.I. 4)) and was extended by section 6(5) of the Rates (Amendment) Act (Northern Ireland) 2009, 2009 c. 8 (N.I.)

(b) 1979 (c. 38)

(c) S.I. 1985/1208 (N.I. 15)

- (c) where the notice is served on a person who the Department has reason to believe is or has been a statutory undertaker (within the meaning of the Planning (Northern Ireland) Order 1991(a)), the name and address of any person who, on a date or during a period specified in the notice, was supplied or provided with, or was entitled to the supply or provision of, any goods or services by the undertaker at the hereditament;
- (d) where the notice is served on a person who the Department has reason to believe is or has been a communications provider (within the meaning of the Communications Act 2003(b)) or a public telecommunications operator (within the meaning of the Telecommunications Act 1984(c)), the name and address of any person who, on a date or during a period specified in the notice, was provided with, or was entitled to the provision of, any goods or services by the provider or operator at the hereditament;
- (e) where the notice is served on a person who the Department has reason to believe is or has been a person on whom a notice may be served under paragraph (1) or (2) of Article 26 of the 1977 Order or a person entitled to the possession of the hereditament,
 - (i) the name and address of the person entitled to possession of the hereditament and the date on which he became so entitled;
 - (ii) the name and address of the person who last occupied the hereditament and the date on which occupation ceased;
 - (iii) the name and address of any person who is doing or has done estate agency work in respect of the hereditament on a date or during a period specified in the notice.

Revocation

3. The Non-Domestic Rating (Unoccupied Property) (Prescribed Information) Regulations (Northern Ireland) 2004(d) are revoked.

Sealed with the Official Seal of the Department of Finance and Personnel on 17th September 2010



Brian McClure

A senior officer of the Department of Finance and Personnel

(a) S.I. 1991/1220 (N.I. 11)
(b) 2003 c. 21
(c) 1984 c. 12
(d) S.R. 2004 No. 191

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Non-Domestic Rating (Unoccupied Property) (Prescribed Information) Regulations (Northern Ireland) 2004 in consequence of section 6(5) of the Rates (Amendment) Act (Northern Ireland) 2009 extending to domestic property the power of the Department of Finance and Personnel under Article 26(2A) of the Rates (Northern Ireland) Order 1977 to require information to be provided in respect of non-domestic property which is unoccupied.

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