

## List of Legislation regularly used by Landlord Section

1. [Someone refuses to give out information.](#)
2. [A property is vacant but still furnished, why are rates still due?](#)
3. [Where does it say everyone has to pay rates?](#)
4. [Limited Company Registered Office Addresses](#)
5. [Why can a person not use a PO Box address?](#)
6. [Article 20 Legislation](#)
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8. [Where does it say that the Landlord is responsible for collection of rates?](#)

Someone is refusing to give information.

# Rates (Northern Ireland) Order 2006 (No. 2954 (N.I.18 ))

## Main body

### PART II RATING

Liability and assessment



**Power of Department to require information as to ownership, etc., of hereditaments**

**26. — (1) The Department may, for the purposes of this Order, serve a notice on the occupier of any hereditament, or a person paying rent in respect of a hereditament, requiring him to state to the Department in writing, within a period and in the manner specified in the notice,—**

- (a) the nature of his own interest therein;**
- (b) the rate at which rent (if any) is payable by him and the dates on which it falls due;**
- (c) the amount of rent (if any) then due from him;**
- (d) the name and address of the owner of the hereditament.**

(2) Where the Department has reason to believe that a person is receiving or is entitled to receive rent in respect of a hereditament in the capacity of agent or trustee for any other person, the Department may, for the purposes of this Order, serve a notice on him requiring him to state to the Department in writing, within a period and in the manner specified in the notice,—

- (a) the nature of that capacity;
- (b) the name and address of that other person;
- (c) such particulars of—
  - (i) the rents paid or payable to him in that capacity,
  - (ii) the hereditaments in respects of which the rents are payable, and
  - (iii) his receipts and disbursements on account of such rents,as are required by the notice.

[<sup>F1</sup>(2A) If a hereditament to which Schedule 8A applies is unoccupied and the name and address of the person entitled to possession of it are unknown to the Department, the

Department may, for the purposes of this Order, serve a notice on any relevant person requiring him to provide to the Department in writing, within a period and in the manner specified in the notice, such prescribed information in respect of that hereditament as is required by the notice and is within his knowledge or control.

(2B) In paragraphs (2ZA) and (2A) “relevant person” means a district council or any person who the Department has reason to believe is or has been—

- (a) a person on whom a notice may be served under paragraph (1) or (2);
- (b) a person entitled to possession of the hereditament;
- (c) a person doing estate agency work (within the meaning of the Estate Agents Act 1979);
- (d) a statutory undertaker (within the meaning of the Planning (Northern Ireland) Order 1991 (NI 11)); or
- (e) a communications provider (within the meaning of the Communications Act 2003 (c. 21)) or a public telecommunications operator (within the meaning of the Telecommunications Act 1984 (c. 12)).]

(2ZA) The Department may, for the purposes of this Order, serve a notice on any relevant person requiring him to state to the Department in writing, within a period and in the manner specified in the notice, the following information if it is within his knowledge or control—

- (a) the name of the occupier of a hereditament specified in the notice;
- (b) the name and address of the owner of a hereditament specified in the notice.

(3) Where a notice is served on a person under [<sup>F1</sup>this Article] he shall comply with the notice.

(4) In this Article—

“hereditament” includes part of a hereditament;

“rent” includes a payment made by a lodger.

A property is unoccupied, but still has furniture or is used for storage, why are rates still due?

[Rates \(Northern Ireland\) Order 1977 \(No. 2157 \(N.I. 28\)\)](#) –  
Amended in 2006

**Main body**

**PART II RATING**

Liability and assessment



**Liability to be rated in respect of certain unoccupied hereditaments**

**25A.** — (1) Subject to the provisions of this Order, if the conditions specified in paragraph (2) are satisfied a person shall be chargeable to rates in respect of a hereditament which is unoccupied.

(2) The conditions are—

- (a) the hereditament is one to which Schedule 8A applies; and
- (b) the person is entitled to possession of it.

(3) A person shall be chargeable to rates under this Article only in respect of a period during which—

- (a) the hereditament is unoccupied; and
- (b) both the conditions specified in paragraph (2) are satisfied.

**(4) For the purposes of this Article a hereditament is unoccupied only if no person is in occupation of any part of it.**

(5) For the purposes of this Article a hereditament which is not in use shall be treated as unoccupied if (apart from this paragraph) it would be treated as occupied by reason only of there being kept in or on the **hereditament plant or machinery**—

- (a) which was used in or on the hereditament when it was last in use; or
- (b) which is intended for use in or on the hereditament.

(6) Schedule 8A (which makes further provision relating to the liability to be rated in respect of certain unoccupied hereditaments) shall have effect.

Where does it say everyone has to pay rates?

Rates (Northern Ireland) Order 2006 (No. 2954 (N.I.18 ))

## **Main body**

### **PART II RATING**

Liability and assessment



#### **Liability to be rated in respect of hereditaments**

**18. ▶ — (1) Subject to the provisions of this Order, every occupier of a hereditament which is included in the valuation lists shall be chargeable to rates in respect of the hereditament according to its rateable values.**

Limited Companies Registered Offices

The Companies (Northern Ireland) Order 1986 (No. 1032  
(N.I. 6))

### **Main body**

#### **PART X A COMPANY'S MANAGEMENT; DIRECTORS AND SECRETARIES; THEIR QUALIFICATIONS, DUTIES AND RESPONSIBILITIES**

Officers and registered office



#### **Registered office**

**295. <sup>F1</sup>— (1) A company shall at all times have a registered office to which all  
communications and notices may be addressed.**

\*\*Therefore if a company does not have a registered office address to which correspondence  
can be addressed, the property must be rated as The Owner T/A Business Name e.g. “Joe  
Bloggs T/A The Wine Shop”\*\*

Why can someone not use a PO Box as their billing address?

## Rates (Northern Ireland) Order 2006 (No. 2954 (N.I.18 ))

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#### **PART II RATING**

Liability and assessment



#### **Power of Department to require information as to ownership, etc., of hereditaments**

**26.** — (1) The Department may, for the purposes of this Order, serve a notice on the occupier of any hereditament, or a person paying rent in respect of a hereditament, requiring him to state to the Department in writing, within a period and in the manner specified in the notice,—

- (a) the nature of his own interest therein;
- (b) the rate at which rent (if any) is payable by him and the dates on which it falls due;
- (c) the amount of rent (if any) then due from him;
- (d) the name and address of the owner of the hereditament.**

\*\*As Post Office boxes are located in the local postal delivery office, the owner is not located at that address and therefore cannot use it as the billing address.\*\*

Article 20

## Rates (Northern Ireland) Order 2006 (No. 2954 (N.I.18 ))

### **Main body**

#### **PART II RATING**

Liability and assessment



#### **Rating of owners instead of occupiers in certain cases**

**20.** — (1) Subject to the provisions of this Order, rates shall be payable by, and levied on, the owner, instead of the occupier, of a hereditament if any of the following subparagraphs applies—

(a) the net annual value of the hereditament does not exceed £750;

(b) the capital value of the hereditament does not exceed £55,000;

(c) both the following conditions are satisfied—

(i) the rent of the hereditament is payable or is collected at intervals shorter than quarterly or the tenancy agreement (if any, and all of them if more than one) does not provide when it is payable or collected; and

(ii) either its net annual value does not exceed £1,590 or its capital value does not exceed £150,000;

(d) separate parts of the hereditament are let as apartments or lodgings; or

(e) the hereditament consists of or includes a house in multiple occupation.

(1A) Where a hereditament has a net annual value and a capital value, both conditions in subparagraphs (a) and (b) or, as the case may be, in subparagraph (c)(ii) of paragraph (1) must be satisfied.

(1B) In paragraph (1)(e) “house in multiple occupation” has the same meaning as in Part IV of the Housing (Northern Ireland) Order 1992 (NI 15) except that—

- (a) a person under the age of 16 shall not be treated as a qualifying person for the purposes of that definition; and
- (b) paragraphs (5) and (6) of Article 31AA shall apply for the purposes of determining whether a person is a member of another person's family for the purposes of this paragraph as they apply for the purposes of that Article.

(2) Where any owner is rated under this Article, he shall be entitled to such relief in respect of any non-occupation of the hereditament as he would have been entitled to receive had he been rated as the occupier in respect thereof.

(3) Notwithstanding anything in paragraph (1), so long as a person who has wilfully entered upon a hereditament to which (subject to paragraph (1A) sub-paragraph (a), (b) or (e) of paragraph (1) applies with intent wrongfully to take possession of, or use, the hereditament is in occupation of the hereditament without the permission of the owner, that person, and not the owner, shall be chargeable to rates in respect of the hereditament.

(4) There shall be allowed to each owner who is rated under this Article and pays the amount due from him on account of the rate on or before the date of the expiration of—

(a) half the year for which the rate is made <sup>F3</sup> ...; or

(b) one month from the date of service of the demand note on which the rate is levied; whichever is the later, an allowance equal to 7½ per cent. of the amount payable.

(5) The Department may by order made subject to affirmative resolution substitute a different limit for any limit specified in paragraph (1)(a), (b) or (c)(ii); but any such order shall not affect any person's liability for rates for any period before the coming into force of the first new valuation list to come into force after the date of the order, being a valuation list relevant to the net annual value or capital value of the hereditament in question.

Article 21

## The Rates (Amendment) (Northern Ireland) Order 2006 (No. 2954 (N.I.18 ))

### **Main body**

#### **PART II RATING**

Liability and assessment



#### **Payment or collection of rates by owners by agreement**

**21.** — (1) The owner of any hereditament the rent of which becomes payable or is collected at intervals shorter than quarterly may by agreement in writing with the Department undertake [F<sup>1</sup>that he will pay the rates chargeable in respect of the hereditament whether it is occupied or not] and the Department may agree, where the owner so undertakes and pays over to the Department on or before the date or dates specified in the agreement the amounts payable by him thereunder, to make him an allowance not [F<sup>1</sup>exceeding 15 per cent].

(2) An allowance made under paragraph (1) in respect of any hereditament to an owner who is rated under Article 20 shall be in substitution for any allowance to which he might otherwise have been entitled in respect of that hereditament under that Article.

(3) An agreement entered into under this Article shall continue in force until determined by notice served either by the Department on the owner or by the owner on the Department, and, in the event of a change in the ownership of any hereditament while the agreement is in force, shall continue to be binding upon the new owner as if it had been made by him.

(4) A notice for the purposes of paragraph (3) shall take effect only on the expiration of a year and shall be given not less than six months before the expiration of that year.

Where does it say that the Landlord is responsible for the collection of rates?

[Rates \(Northern Ireland\) Order 1977 \(No. 2157 \(N.I. 28\)\)](#) –  
Amended in 2006

**Main body**

**PART II RATING**

Liability and assessment



**Provisions supplementary to Articles 20 and 21**

**22.** — (1) Where in the case of any hereditament **the owner is rated in respect thereof in pursuance of Article 20, or has undertaken in pursuance of Article 21 to pay or collect the rates charged** in respect thereof, the amount due from him on account of those rates shall be recoverable by the Department from him in like manner and subject to the like conditions as rates payable by the occupier of a hereditament (not being an occupier by whom a notice under Article 29 of his election to pay rates by instalments has been given and is for the time being in force) are recoverable from the occupier.