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STATUTORY INSTRUMENTS

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**1977 No. 2157**

**Rates (Northern Ireland) Order 1977**

**PART II**

**RATING**

*Recovery of rates*

**Proceedings for recovery of rates**

**32.**—(1) Without prejudice to Article 9(2) or to any right of deduction or set-off, any sum due by a person to the Department on account of a rate leviable on him shall be recoverable, as a debt due to the Department, summarily or by action in the county court or the High Court.

(2) The jurisdiction conferred on a court of summary jurisdiction or a county court by paragraph (1) may be exercised notwithstanding anything to the contrary in any transferred provision which imposes limitations on the jurisdiction of such a court by reference to an amount or balance claimed or to the amount of an account or the value of property.

(3) Notwithstanding any other transferred provision, proceedings under this Article for the recovery from any person of a sum due by him on account of a rate in respect of any hereditament may be heard or determined by a court of summary jurisdiction, or the county court, <sup>F1</sup>....

(4) No proceedings for the recovery of any sum due to the Department on account of a rate shall be instituted except after the expiration of at least seven days from the date of service of the demand note on which the rate is levied; and an averment in the process that the demand note was served at least seven days prior to such proceedings being instituted shall be admissible in the proceedings as sufficient evidence of that fact.

(5) A person authorised in writing by the Department to exercise functions under this paragraph may authorise the institution of and, although not a practising solicitor, institute, appear in and conduct on behalf of the Department proceedings in any court of summary jurisdiction for the recovery of any sum due to the Department on account of a rate; and any such proceedings which have been begun by one such person may be continued by another such person.

(6) All or any of the sums due on account of rates from any one person may, whether or not they are due in respect of the same hereditament, be included in the same process, order or other document authorised or required by law to be issued, and every such document as aforesaid shall, as respects each such sum be construed as a separate document, and its invalidity as respects any one such sum shall not affect its validity as respects any other such sum.

(7) In any proceedings for the recovery of a sum due to the Department on account of a rate no question shall be raised in respect of any matter in respect of which relief might have been obtained—

- (a) under Article 11 by means of an appeal against the rate; or
- (b) under Article 13(3) by means of an appeal as to the appropriate date for the taking effect of an alteration in [<sup>F2</sup>a valuation list] ; or
- (c) <sup>F3</sup> .....

*Changes to legislation: Rates (Northern Ireland) Order 1977, Section 32 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) under Part III by means of—

- (i) an application for revision of [<sup>F4</sup>a valuation list] ; or
- (ii) an appeal against the making or refusal of an alteration in [<sup>F5</sup>a valuation list] , or an application for the review of such an alteration.

(8) For the purposes of [<sup>F6</sup> Article 4 of the Limitation (Northern Ireland) Order 1989] and [<sup>F7</sup> Article 63(1) of the Magistrates' Courts (Northern Ireland) Order 1981] (debt, etc., proceedings not to be commenced after six years from date when cause of action accrued or arose), the cause of action for the recovery of a sum due on account of a rate of any year shall be deemed to have accrued or arisen on 1st April in that year, and for the purposes of this Order the said [<sup>F8</sup>Article 63(1)] shall bind the Crown.

(9) In this Article “process” includes a process under [<sup>F7</sup> Part VI of the Magistrates' Courts (Northern Ireland) Order 1981], a civil bill and a writ.

- F1** Words in art. 32(3) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 73, Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F2** Words in art. 32(7)(b) substituted (1.4.2007) by [Rates \(Amendment\) \(Northern Ireland\) Order 2006 \(S.I. 2006/2954 \(N.I. 18\)\), arts. 1\(3\), 39, Sch. 2 para. 16\(2\)\(a\)](#); S.R. 2006/464, [art. 2\(4\)](#)
- F3** Art. 32(7)(c) repealed (1.4.2007) by [Rates \(Amendment\) \(Northern Ireland\) Order 2006 \(S.I. 2006/2954 \(N.I. 18\)\), arts. 1\(3\), 39, 41, Sch. 2 para. 16\(2\)\(b\), Sch. 3](#); S.R. 2006/464, [art. 2\(4\)](#)
- F4** Words in art. 32(7)(d)(i) substituted (1.4.2007) by [Rates \(Amendment\) \(Northern Ireland\) Order 2006 \(S.I. 2006/2954 \(N.I. 18\)\), arts. 1\(3\), 39, Sch. 2 para. 16\(2\)\(c\)](#); S.R. 2006/464, [art. 2\(4\)](#)
- F5** Words in art. 32(7)(d)(ii) substituted (1.4.2007) by [Rates \(Amendment\) \(Northern Ireland\) Order 2006 \(S.I. 2006/2954 \(N.I. 18\)\), arts. 1\(3\), 39, Sch. 2 para. 16\(2\)\(c\)](#); S.R. 2006/464, [art. 2\(4\)](#)
- F6** 1989 NI 11
- F7** 1981 NI 26
- F8** Words in art. 32(8) substituted (1.4.2007) by [Rates \(Amendment\) \(Northern Ireland\) Order 2006 \(S.I. 2006/2954 \(N.I. 18\)\), arts. 1\(3\), 39, Sch. 2 para. 16\(3\)](#); S.R. 2006/464, [art. 2\(4\)](#)

**Modifications etc. (not altering text)**

- C1** Art. 32 excluded in part (1.4.2010) by [Rates \(Deferment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/63\), reg. 6\(1\)](#)

**Changes to legislation:**

Rates (Northern Ireland) Order 1977, Section 32 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 7\(6\)\(7\)](#) added by [S.I. 2006/2954 \(N.I.\) art. 4](#)