STATUTORY RULES OF NORTHERN IRELAND

2018 No. 109

RATES

The Rate Relief (Amendment) Regulations (Northern Ireland) 2018

Made - - - -	*4th May 2018*
Coming into operation	*8th May 2018*

The Department of Finance(**1**) makes the following Regulations in exercise of the powers conferred by Article 30A of the Rates (Northern Ireland) Order 1977(**2**).

Citation and commencement

1. These Regulations may be cited as the Rate Relief (Amendment) Regulations (Northern Ireland) 2018 and shall come into operation on 8th May 2018.

Amendment of the Rate Relief Regulations (Northern Ireland) 2017

2.—(1) The Rate Relief Regulations (Northern Ireland) 2017(**3**) are amended in accordance with paragraphs (2) to (7).

(2) In Regulation 2 —

(a) in Paragraph (1) after the definition of "overpayment" insert—

> ""partner" means where a claimant is a member of a couple, the other member of that couple;";

(b) substitute paragraph (2) with—

> "(2) For the purposes of these regulations any apportionment made to any of the figures in the universal credit information in accordance with regulation 22A(2) (assessment period cycle to remain the same following change in the first date of entitlement) or 24 (apportionment where re-claim is delayed after loss of employment) of the universal credit regulations shall be ignored.";

(c) in paragraph (3) substitute "paragraph (3)" with "paragraph (4)"; and

(**1**) The Department of Finance and Personnel was renamed the Department of Finance by section 1(4) of The Departments Act (Northern Ireland) 2016 c.5

(**2**) S.I. 1977/2157 (N.I.28); Article 30A was amended by Article 134 of The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I.1))

(**3**) S.R. 2017 No. 184

(d) after paragraph (4) insert—

"(5) Where two people are parties to a polygamous marriage, the fact that they are husband and wife is to be disregarded if—

(a) one is a party to an earlier marriage that still subsists; and

(b) the other party to that earlier marriage is living in the same household;

and accordingly the person who is not a party to the earlier marriage shall for the purposes of these regulations be treated as a single person.

(6) In Paragraph (5) "polygamous marriage" means a marriage during which a party to it is married to more than one person and which took place under the laws of a country which permits polygamy.".

(3) In Regulation 3—

(a) in paragraph (3) for "paragraph 1" substitute "paragraph 2";

(b) in paragraph (4) omit "or members of a polygamous marriage"; and

(c) omit paragraph (5).

(4) In Regulation 5—

(a) at the beginning of paragraph (4) for "Where" substitute "Subject to paragraphs (13) and (14), where";

(b) at the beginning of paragraph (12) for "Where" substitute "Subject to paragraphs (13) and (14) where"; and

(c) for paragraph (14) substitute—

"Where paragraph (13) applies the date of claim will be the date or dates that the claimant would otherwise become entitled to rate relief between—

(a) the date that would in accordance with this regulation otherwise be the date of claim; and

(b) the date the decision on the claim is made.".

(5) In Regulation 10—

(a) in paragraph 1(c) for "paragraph (2)" substitute "paragraphs (2) and (2A)";

(b) in paragraph (2) after each mention of "specified accommodation" insert "or temporary accommodation";

(c) after paragraph (2) insert—

"(2A) Where regulation 6(2A) of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016(**4**) applies, rate relief shall be calculated as if the award of housing benefit in the form of a rent rebate or allowance terminated at the same time as housing benefit in the form of a rate rebate for the same property in accordance with regulation 6(2) of those regulations."; and

(d) at the end of paragraph (5) insert "pending confirmation from the Department for Communities.".

(6) In Regulation 19(2)(c) substitute "Part 9" with "Part 8"; and

(7) In Regulation 24(b) after "recoverable" insert "from".

(**4**) S.R. 2016 No.226