STATUTORY RULES OF NORTHERN IRELAND

2017 No. 184

RATES

The Rate Relief Regulations (Northern Ireland) 2017

Made - - - -	*11th September 2017*
Coming into operation	*27th September 2017*

The Department of Finance [F1] makes the following Regulations in exercise of the powers conferred by Article 30A of the Rates (Northern Ireland) Order 1977 [F2]

F1 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

F2 SI 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))

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Rate Relief Regulations (Northern Ireland) 2017 and shall come into operation on 27th September 2017.

Interpretation

2.—(1) In these Regulations—

"the Administration Act" means the Social Security Administration (Northern Ireland) Act 1992 [F3];

"the Contributions and Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992 [F4]

"the 1977 Order" means the Rates (Northern Ireland) Order 1977;

"the 2003 Order" means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 [F5]

"the Universal Credit Regulations" means the Universal Credit Regulations (Northern Ireland) 2016 [F6];

"the Welfare Reform Order" means the Welfare Reform (Northern Ireland) Order 2015 [F7];

"attribution period" means a period of one month—

(a) initially beginning from and including the date of claim to the day before the corresponding date in the following month or if that date does not exist the closest date before that date had it existed; and

(b) in subsequent months from and including the day following the last day of the previous attribution period to the day before that date in the following month or if that date does not exist the closest date before that date had it existed,

as the case may require;

"claim" means a claim under regulation 3;

"claimant" means a person making a claim under regulation 3 or 4;

"close relative" means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

[[F8]**[**[F9]"couple" means—

(a) two people who are married to, or civil partners of, each other and are members of the same household, or

(b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;**]]**

"Department" means the Department of Finance;

"Department for Communities" has the same meaning as in section 1 of the Departments Act (Northern Ireland) 2016 [F10]

"dwelling occupied as the home" means the dwelling together with any garage, garden and outbuildings normally occupied by the claimant as his home, including any part thereof not so occupied which it is impracticable or unreasonable to sell separately, together with—

(a) any agricultural land adjoining that dwelling; and

(b) any land not adjoining that dwelling which it is impracticable or unreasonable to sell separately;

"electronic communication" has the same meaning given in section 4(1) of the Electronic Communications Act (Northern Ireland) 2001 [F11];

"entitled to universal credit" shall include awards that are reduced to nil by the application of the deductions in regulation 10(6)(b) and (c).

"family member" means—

(a) a couple;

(b) a couple and a member of the same household who is a close relative;

"housing benefit" means housing benefit under section 129 of the Contributions and Benefits Act [F12] and for the purposes of these regulations any low income rate relief;

"income" shall be construed in accordance with regulation 10(6);

"independent hospital" has the meaning assigned to it by Article 2(2) of the 2003 Order;

"liable for rates" means chargeable to occupied rates in accordance with Part II (Rating) of the 1977 Order as modified by regulation 11 for the purposes of these regulations;

"low income rate relief" means a rate relief in accordance with the Rate Relief (General) Regulations (Northern Ireland) 2007 [F13] or the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007 [F14];

"maximum amount" means the maximum amount applied to the universal credit award in accordance with Article 13(2) of the Welfare Reform Order extant on the relevant date;

"nursing home" has the same meaning as in Article 11 of the 2003 Order;

"official computer system" means a computer system maintained by or on behalf of the Department to—

(a) send or receive any claim or information; or

(b) process or store any claim or information;

"overpayment" means any payment by way of rate relief to which there is no entitlement under these regulations (whether on initial decision or as subsequently revised or further revised);

[F15"partner" means where a claimant is a member of a couple, the other member of that couple;**]**

"payment" includes crediting an account;

"rate relief" means rate relief in accordance with these regulations except within the term "low income rate relief";

"relevant authority" means the authority administering rate relief on behalf of the Department in accordance with these regulations;

"relevant date" means, subject to regulation 9—

(a) in the first instance the date of the claim in accordance with regulation 5;

(b) every year thereafter on the anniversary of that date of claim: and

(c) where the date of claim is 29th February, the anniversary dates will be 28th February every year thereafter;

"residential care home" has the same meaning as in Article 10 of the 2003 Order;

"universal credit" means universal credit under Part 2 of The Welfare Reform (Northern Ireland) Order 2015 F16;

"universal credit award" shall be construed in accordance with regulation 10(6);

"universal credit information" means the universal credit award, income and maximum amount figures determined in accordance with these regulations.

"writing" includes writing produced as a result of electronic communications used in accordance with the Schedule.

[F17(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.**]**

(3) Subject to **[**F18paragraph (4)**]** , the Interpretation Act (Northern Ireland) 1954 F19 shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly

(4) For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in this period.

[F20(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.**]**

F3 1992 c. 8
F4 1992 c. 7
F5 S.I. 2003/431 (N.I. 9)
F6 S.R. 2016 No. 216
F7 S.I. 2015/2006 (N.I. 1)
F8 Words in reg. 2(1) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **118** (with regs. 6-9)
F9 Words in reg. 2(1) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **168** (with regs. 6-9)
F10 2016 c.5 (N.I.)
F11 2001 c.9 (N.I.); the definition of "electronic communications" has been substituted by paragraph 170 of Schedule 17 to the Communications Act 2003 (c.21).
F12 1992 c. 7.
F13 S.R. 2007 No. 204
F14 S.R. 2007 No. 203
F15 Words in reg. 2(1) inserted (8.5.2018) by The Rate Relief (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/109), regs. 1, **2(2)(a)**
F16 S.I. 2015/2006 (N.I. 1)
F17 Reg. 2(2) substituted (8.5.2018) by The Rate Relief (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/109), regs. 1, **2(2)(b)**
F18 Words in reg. 2(3) substituted (8.5.2018) by The Rate Relief (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/109), regs. 1, **2(2)(c)**
F19 1954 c.33 (N.I.)
F20 Reg. 2(5)-(6) inserted (8.5.2018) by The Rate Relief (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/109), regs. 1, **2(2)(d)**

PART 2

Claims

Claim for rate relief

3.—(1) A claim must be made to the Department for rate relief in accordance with these regulations.

(2) Except as provided in paragraph (3), a claim for rate relief must be made by means of an electronic communication in accordance with the provisions set out in the Schedule and completed in accordance with any instructions given by the relevant authority for that purpose.

(3) Where the Department is of the view that the process referred to in **[**F21paragraph 2**]** needs to be facilitated it shall make available support arrangements for a claimant.

(4) In the case of a couple F22... a claim shall be made by whichever one of them they agree should so claim or, in default of agreement, by such one of them as the relevant authority shall determine.

F23(5) . . . . . .

F21 Words in reg. 3(3) substituted (8.5.2018) by The Rate Relief (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/109), regs. 1, **2(3)(a)**
F22 Words in reg. 3(4) omitted (8.5.2018) by virtue of The Rate Relief (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/109), regs. 1, **2(3)(b)**
F23 Reg. 3(5) omitted (8.5.2018) by virtue of The Rate Relief (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/109), regs. 1, **2(3)(c)**

Person unable to act

4.—(1) Where a person is unable for the time being to act, and—

(a) a controller has been appointed by the High Court under Part 8 of the Mental Health (Northern Ireland) Order 1986 [F24] with power to claim, or as the case may be, receive social security benefits on his behalf; or

(b) an attorney with a general power or a power to claim or, as the case may be, receive social security benefits, has been appointed by that person under the Powers of Attorney Act (Northern Ireland) 1971 [F25] or the Enduring Powers of Attorney (Northern Ireland) Order 1987 [F26],

that controller or attorney, as the case may be, may make a claim for rate relief on behalf of that person.

(2) Where paragraph (1) does not apply and a person who is liable for rates is for the time being unable to act and the Department for Communities has appointed a person to act on his behalf for the purposes of regulation 52(1) of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 [F27] the relevant authority may, if that person agrees, treat him as if he had been appointed by them under paragraph (3).

(3) Subject to paragraph (4), the relevant authority may upon receipt of a written application made by a person appoint that person ("the appointee") to act on behalf of the claimant and to exercise on behalf of the claimant any right to which the claimant might be entitled under these regulations and to receive and deal with any rate rebate sums payable to the claimant.

(4) Paragraph (3) is subject to the condition that a person applying to be appointed as an appointee must be aged 18 years or over.

(5) Subject to paragraph (6), an appointment under paragraphs (2) or (3) comes to an end if—

(a) the relevant authority at any time revokes it by notice in writing;

(b) the appointee resigns their appointment by giving four weeks' notice in writing to the relevant authority of an intention to resign; or

(c) the relevant authority is notified that a controller or an attorney has been appointed.

(6) Anything required by these regulations to be done by or to a claimant who is for the time being unable to act may be done by or to a controller, an attorney, an appointee or any person treated as the appointee under this regulation and the receipt of any such person so appointed shall be a good discharge to the relevant authority for any sum paid.

F24 S.I. 1986/595 (N.I.4).
F25 1971 c.33 (N.I.).
F26 S.I. 1987/1627 (N.I. 16).
F27 S.R. 2016 No.220.