STATUTORY RULES OF NORTHERN IRELAND

2008 No. 124

RATES

The Rate Relief (Lone Pensioner Allowance) Regulations (Northern Ireland) 2008

Made - - - - *14th March 2008*

Coming into operation *1st April 2008*

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

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Rate Relief (Lone Pensioner Allowance) Regulations (Northern Ireland) 2008 and shall come into operation on 1st April 2008.

Interpretation

2.—(1) In these Regulations—

"the 1992 Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**);

"the 2003 Order" means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**3**);

"applicant" means a person who has made an application under regulation 5 or on whose behalf such an application has been made;

"dwelling-house" includes a hereditament which is used partly for the purposes of a private dwelling but only in so far as it is so used;

"the Executive" means the Northern Ireland Housing Executive;

(**1**) S.I. 1977/2157 (N.I. 28); Article 30 was inserted by Article 14 of the Rates (Amendment) (Northern Ireland) Order 2006, S.I. 2006/2954 (N.I. 18)
(**2**) 1992 c.7
(**3**) S.I. 2003/431 (N.I. 9)

"rebate" means a rebate under regulation 3(1);

"registered medical practitioner" means a fully registered person within the meaning of the Medical Act 1983(**4**); and

"relevant authority" means an authority administering these Regulations.

(2) For the purposes of these Regulations a person who has his only or principal residence in a dwelling-house shall be deemed to be occupying that dwelling-house.

PART 2

Lone Pensioner Allowance

Grant of lone pensioner allowance

3.—(1) Subject to the provisions of these Regulations, the relevant authority shall each year grant to a person who has attained the age of 70 years a rebate from the rates chargeable in respect of a dwelling-house which is occupied solely by him.

(2) Where a person occupies more than one dwelling-house, a rebate shall be granted only in respect of the dwelling-house which that person occupies as his only or principal residence or, if he does not occupy any dwelling-house as his only or principal residence, the dwelling-house which he last occupied as his only or principal residence.

(3) In determining for the purposes of paragraph (1) whether a dwelling-house is occupied solely by a person who has attained the age of 70 years, any other person who falls within a description specified in the Schedule shall be disregarded.

(4) In determining whether a person occupies more than one dwelling-house for the purposes of paragraph (2), regard shall be had to any dwelling-house occupied by that person whether or not the dwelling-house is in Northern Ireland.

(5) Where the conditions for the grant of a rebate (other than the requirement for an application) apply for part only of a year, the amount of the rebate shall be proportionately reduced and if too large an amount has been paid or allowed by way of rebate the excess shall be recoverable summarily by the relevant authority as a debt.

Administration

4.—(1) These Regulations shall be administered by the Executive in so far as they relate to persons who are tenants of the Executive, private tenants or tenants of registered housing associations but otherwise shall be administered by the Department.

(2) In this regulation—

"private tenants" means tenants under any tenancy except—

(a) a tenancy under which the estate of the landlord belongs to the Executive or a registered housing association;

(b) a tenancy the purpose of which is to confer on the tenant the right to occupy a hereditament for a holiday;

"registered housing association" means a housing association registered in the register maintained under Part II of the Housing (Northern Ireland) Order 1992(**5**).

(**4**) 1983 c.54
(**5**) S.I. 1992/1725 (N.I. 15)

Applications

5. A rebate shall be granted only if an application containing such information as the Department may reasonably require is made to a relevant authority by or on behalf of the person entitled to the rebate.

Use of information

6. Where information is given or evidence is gathered in relation to a claim for housing benefit or a claim under—

(a) the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007(**6**); or

(b) the Rate Relief (General) Regulations (Northern Ireland) 2007(**7**),

that information or evidence may be used in relation to an application under regulation 5 but only where the claimant has given permission, in writing, for such information or evidence to be so used.

Method of grant of rebate

7. A rebate may be granted either by making a payment of the amount of the rebate to the person who is entitled to the rebate or by reducing the amount of any payment which that person is liable to make by way of rates.

Amount of rebate

8.—(1) Subject to paragraphs (2) to (4), the amount of a rebate shall be 20 per cent. of the amount which, apart from these Regulations, would have been chargeable by way of rates in respect of the dwelling-house.

(2) In determining for the purposes of paragraph (1) the amount which, apart from these Regulations, would have been chargeable by way of rates in respect of a dwelling-house, any allowance under Article 20, 21 or 30 of the Rates (Northern Ireland) Order 1977(**8**) shall be disregarded.

(3) Where a person entitled to a rebate under these Regulations is also entitled to a rebate provided by virtue of a scheme under section 122 of the 1992 Act in respect of the same dwelling-house and period ("the housing benefit rebate"), paragraph (1) shall have effect as if the rates chargeable in respect of the dwelling-house for that period were reduced by the amount of the housing benefit rebate.

(4) Where a person entitled to a rebate under these Regulations is also entitled to a rebate under—

(a) the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007; or

(b) the Rate Relief (General) Regulations (Northern Ireland) 2007,

in respect of the same dwelling-house and period ("the rate relief rebate"), paragraph (1) shall have effect as if the rates chargeable in respect of the dwelling-house for that period were reduced by the amount of the rate relief rebate.

(**6**) S.R. 2007 No. 203 as amended by S.R. 2007 No. 244 and S.R. 2008 No. 68
(**7**) S.R. 2007 No. 204
(**8**) S.I. 1977/2157 (N.I. 28); Article 20 was amended by Article 3(2)(b) of the Rates (Amendment) (Northern Ireland) Order 1983, S.I. 1983/421 (N.I. 7) and by Article 35 of the Rates (Amendment) (Northern Ireland) Order 2006, S.I. 2006/2954 (N.I. 18); Article 21 was amended by Article 4 of the Rates (Amendment) (Northern Ireland) Order 1998, S.I. 1998/3164 (N.I. 22) and by S.R. 2007 No. 2; Article 30 was amended by Article 4 of the Rates (Amendment) (Northern Ireland) Order 1983 and by paragraph 13 of Schedule 2 to the Rates (Amendment) (Northern Ireland) Order 2006