STATUTORY RULES OF NORTHERN IRELAND

2007 No. 203

RATES

The Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007

Made - - - - *23rd March 2007*

Coming into operation *1st April 2007*

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

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007 and shall come into operation on 1st April 2007.

(2) These Regulations are to be read, in a case where a person if he, or if he has a partner, his partner, has attained the qualifying age for state pension credit, with the Rate Relief (General) Regulations (Northern Ireland) 2007(**3**).

Interpretation

2.—(1) Regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations (interpretation) shall apply for the purposes of these Regulations as it applies for the purposes of the Housing Benefit (State Pension Credit) Regulations with the following modifications—

(a) as if for the definition of "appropriate office" there were substituted—

> ""appropriate office" means the office of a relevant authority which that authority deems appropriate for dealing with a claim from a particular area;";

(b) as if in the definition of "assessment period"—

(**1**) Formerly the Department of Finance: *see*S.I. 1982/338 (N.I. 6) Article 3
(**2**) S.I. 1977/2157 (N.I. 28); Article 30A was inserted by Article 14 of S.I. 2006/2954 (N.I. 18)
(**3**) S.R. 2007 No. 204

(i) in paragraph (a) after "regulation 35";

(ii) in paragraph (b) after "regulation 31",

there were inserted "of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 19";

(c) as if the definition of "benefit week" were omitted;

(d) as if for the definition of "claim" there were substituted—

""claim" means, unless the context otherwise requires, a claim for rate relief;";

(e) as if in the definition of "claimant" for "housing benefit" there were substituted "rate relief";

(f) as if in the definition of "concessionary payment" for "the Department with" there were substituted "the Department for Social Development with";

(g) as if in the definition of "date of claim" after "regulation 62" there were inserted "of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 25";

(h) as if in the definition of "designated office" after "housing benefit", in both places where it occurs, there were inserted "or rate relief";

(i) as if for the definition of "earnings" there were substituted—

""earnings" has the meaning prescribed in regulation 33 or, as the case may be, 36 of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19;";

(j) as if for the definition of "eligible rates" there were substituted—

""eligible rates" is to be construed in accordance with regulation 12 of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 14;";

(k) as if the definition of "eligible rent" were omitted;

(l) as if for the definition of "extended payment (severe disablement allowance and incapacity benefit)" there were substituted—

""extended payment (severe disablement allowance and incapacity benefit)" means a payment of rate relief pursuant to regulation 51 of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 21;";

(m) as if in the definition of "family" after "the Act" there were inserted "as applied with modifications for the purposes of these Regulations by regulation 15";

(n) as if the definition of "maximum rent" were omitted;

(o) as if for the definition of "net earnings" there were substituted—

""net earnings" means such earnings as are calculated in accordance with regulation 34 of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19;";

(p) as if in the definition of "net profit" after "regulation 37" there were inserted "of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 19";

(q) as if for the definition of "non-dependant" there were substituted—

""non-dependant" has the meaning prescribed in regulation 3 of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 3;";

(r) as if in the definition of "non-dependant deduction" after "regulation 53" there were inserted "of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 21";

(s) as if in the definition of "person affected" after "Appeals Regulations" there were inserted "as applied with modifications for the purposes of these Regulations by regulation 42";

(t) as if in the definition of "relevant authority" for "housing benefit" there were substituted "rate relief";

(u) as if for the definition of "remunerative work" there were substituted—

""remunerative work" has the meaning prescribed in regulation 6 of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 3;";

(v) as if in the definition of "rent" after "regulation 13(1)" there were inserted "of the Housing Benefit (State Pension Credit) Regulations;";

(w) as if for the definition of "young person" there were substituted—

""young person" has the meaning prescribed in regulation 17(1) of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 16;".

(2) In these Regulations—

"the 1998 Order" means the Social Security (Northern Ireland) Order 1998(**4**);

"the 2000 Act" means the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**5**);

"the Decisions and Appeals Regulations 1999" means the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**6**);

"hereditament" means property which is, or may become, liable to a rate, being a unit of such property which is, or would fall to be, shown as a separate item in a capital value list;

"housing benefit" means housing benefit provided by virtue of a scheme under section 122 of the Act but, unless the context otherwise requires, only in so far as it relates to housing benefit which is payable in the form of a rate rebate;

"the Housing Benefit Regulations" means the Housing Benefit Regulations (Northern Ireland) 2006(**7**);

"the Housing Benefit (State Pension Credit) Regulations" means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**8**);

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

"rate relief" means relief from rates, which are payable in respect of a hereditament which a person occupies as his home, as calculated under regulation 22 (calculation of weekly amount of rate relief);

(**4**) S.I. 1998/1506 (N.I. 10)
(**5**) 2000 c. 4 (N.I.)
(**6**) S.R. 1999 No. 162
(**7**) S.R. 2006 No. 405
(**8**) S.R. 2006 No. 405

"rate relief week" means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday.

(3) References in these Regulations to a person to whom the Housing Benefit (State Pension Credit) Regulations apply, shall, unless the context otherwise requires, include a reference to a person to whom those Regulations would apply were a claim for housing benefit to be made by that person.

(4) Regulation 2(2) to (8) of the Housing Benefit (State Pension Credit) Regulations (references to a person who is liable to make payments, interpretation) shall apply for the purposes of these Regulations as it applies for the purposes of the Housing Benefit (State Pension Credit) Regulations with the following modifications—

(a) as if in paragraph (2)—

(i) after "is liable to make payments" there were inserted "in respect of a hereditament";

(ii) after "regulation 8" there were inserted "of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 11";

(b) as if in paragraph (4)—

(i) for "dwelling", wherever it occurs, there were substituted "hereditament";

(ii) in sub-paragraph (a)(i) the words from "and, in the case of" to "use the land," were omitted.

Modification of regulations 3 to 6

3. Regulations 3 to 6 of the Housing Benefit (State Pension Credit) Regulations shall apply for the purposes of these Regulations as they apply for the purposes of the Housing Benefit (State Pension Credit) Regulations with the following modifications—

(a) as if in regulation 3—

(i) for "dwelling", wherever it occurs, there were substituted "hereditament";

(ii) in paragraph (2)(c) after "regulation 19" there were inserted "of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 16";

(iii) in paragraph (3) after "regulation 9(1)" there were inserted "of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 11";

(iv) in paragraph (4)—

(aa) after "regulation 9" there were inserted "regulation 9 of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 11";

(bb) the definition of "communal area" in Schedule 1 to the Housing Benefit (State Pension Credit) Regulations were applied for the purposes of the application of regulation 3 of the Housing Benefit (State Pension Credit) Regulations to these Regulations as it applies for the purposes of the Housing Benefit (State Pension Credit) Regulations;

(b) as if regulation 4 were omitted;

(c) as if in regulation 6(6) for "benefit week" there were substituted "rate relief week".

Arrangements for rate relief

Rate relief scheme

4.—(1) The relevant authorities shall take such steps as appear to them appropriate for the purpose of securing that persons who may be entitled to rate relief become aware that they may be entitled to it.

(2) The relevant authorities shall make copies of the rate relief scheme available, without payment, for public inspection at their offices at all reasonable hours.

Arrangements for rate relief

5.—(1) Rate relief shall be granted in accordance with paragraph (2).

(2) The relevant authority, as it considers appropriate in the circumstances, may discharge entitlement to rate relief by means of any, or any combination, of the following—

(a) a payment or payments by the relevant authority to the claimant;

(b) a reduction in the amount of any payment which that person is liable to make by way of rates;

(c) a payment direct to the landlord where in accordance with regulations made under the Administration Act an amount of housing benefit payable to the claimant or his partner is being paid direct to the landlord; or

(d) a transfer of funds between the Executive and the Department,

and "pay", in relation to rate relief, includes discharge in any of those forms.

6.—(1) Rate relief shall be administered by—

(a) the Department insofar as it relates to persons who own the hereditaments which they occupy as their home;

(b) the Executive insofar as it relates to persons who are tenants of the Executive, private tenants or tenants of registered housing associations.

(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(**9**).

PART 2

Provisions affecting entitlement to rate relief

Entitlement to rate relief

7. A person is entitled to rate relief if—

(**9**) S.I. 1992/1725 (N.I. 15)