1981 No. 42

RATES

Rate Rebate Order (Northern Ireland) 1981

Made . . . . . 13th February 1981

Coming into operation . . . 1st April 1981

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

The Department of Finance in exercise of the powers conferred on it by Article 28 of the Rates (Northern Ireland) Order 1977(**a**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Rate Rebate Order (Northern Ireland) 1981 and shall come into operation on 1st April 1981.

Rate rebate scheme

2.—(1) The scheme set out in Schedule 1 shall have effect for the grant, by the Department of Finance to persons specified in the scheme, of rebates from rates calculated in accordance with the provisions of the scheme by reference to their needs and resources.

(2) That scheme may be referred to in any instrument or document as the Rate Rebate Scheme.

Revocations

3. The Orders specified in Schedule 2 are hereby revoked.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 13th February 1981.

(L.S.) *E. J. A. Boston*
Assistant Secretary

(a) S.I. 1977/2157 (N.I. 28)

SCHEDULE 1 Article (2)

Rate Rebate Scheme

Interpretation

1—(1) In this Scheme—

"dependent child" means a person who resides in the dwelling house, or in that part of a hereditament which is used for the purposes of a private dwelling in which the residential occupier resides, or is usually resident, and whose requirements are provided for, in whole or in part, by the residential occupier or his spouse and who is either under the age of sixteen, or of, or over that age, but receiving full-time instruction at any university, college, or other educational establishment;

"full-time instruction at an educational establishment" includes a reference to a person undergoing training for any trade, profession or vocation, in such circumstances that he is required to devote the whole of his time to the training for a period of not less than two years;

"married couple" includes a man and a woman who lives with him as his wife, but does not include a man and wife who are living apart, and "spouse" and "wife" shall be construed accordingly;

"non-dependant", in relation to a residential occupier, means any person who resides in the dwelling house, or in that part of a hereditament which is used for the purposes of a private dwelling, in which the residential occupier resides, or is usually resident, other than the residential occupier himself, except a spouse of the residential occupier and a dependent child of the residential occupier or his spouse.

(2) Where any sum which is payable or calculated otherwise than as a weekly amount, falls to be taken into account for the purposes of this scheme, it shall be converted into the weekly amount which represents it, and that amount shall be treated as the relevant amount for those purposes; and accordingly, in this scheme references to "weekly income" are references to the amount which represents the income as so converted and references to "weekly rates" are references to the amount which represents the reckonable rates so converted.

Eligibility

2.—(1) Subject to sub-paragraphs (2) and (3), the following persons are eligible to apply for rebate under the provisions of this scheme:

(*a*) a person who is the occupier of, and resides or is usually resident in, a hereditament which is a dwelling house and which at the relevant date has a net annual value not exceeding the specified limit;

(*b*) a person who is the occupier of, and resides or is usually resident in, a hereditament which, at the relevant date, has a net annual value not exceeding the specified limit and which, though not a dwelling house, is used partly for the purposes of a private dwelling;

(*c*) a person who, not being the occupier of any such hereditament as is mentioned in sub-paragraph (1)(*a*) or (1)(*b*), resides or is usually resident in, a part of any such hereditament, which part at the relevant date has a net annual value not exceeding the specified limit, and in respect of which he makes payment to the occupier by way of rent;

(*d*) a person who resides or is usually resident in such premises as are mentioned in sub-paragraph (1)(*a*) and is not the occupier of the hereditament which consists of or includes the premises but—

(i) pays the rates chargeable in respect of the hereditament for the rebate period concerned; and

(ii) is the spouse or former spouse of a person who is the occupier of the hereditament but does not reside and is not usually resident there.

(2) Where two or more persons are joint occupiers of a hereditament such as is mentioned in sub-paragraph (1)(*a*) or (1)(*b*), or joint tenants of such a part thereof as is mentioned in sub-paragraph (1)(*c*), then, for the purposes of rebates under this scheme, the Department may treat one of those persons as if he were the sole occupier of the hereditament or, as the case may be, sole tenant of that part thereof.

(3) For the purposes of sub-paragraph (1)(*c*), the net annual value on any day of part of a hereditament, shall be taken to be such value as is found by a proper apportionment of the net annual value of the whole hereditament on that day, and any question arising under this sub-paragraph, as to the proper apportionment of any net annual value, shall be determined by the Commissioner of Valuation.

(4) In sub-paragraph (1)—

(*a*) "the relevant date", in relation to a person making an application for a rate rebate under this scheme, means the 1st day of the month in which the application was received by the Department;

(*b*) "the specified limit", in relation to a hereditament, means seven hundred and fifty pounds.

Calculation of rate rebates

3.—(1) The rebate to which a residential occupier shall be entitled, shall be a weekly amount calculated in accordance with this scheme by reference to—

(*a*) an amount to be allowed for the needs of the residential occupier and of any spouse of the residential occupier, or dependent child of the residential occupier, or his spouse, ("the needs allowance");

(*b*) the income of the residential occupier and of any such spouse;

(*c*) the amount of the reckonable rates (as defined in paragraph 7);

(*d*) the minimum weekly rates;

(*e*) a minimum and maximum rebate;

(*f*) amounts to be deducted for non-dependants.

(2) The amounts listed in sub-paragraphs (1)(*a*) to (*f*) shall be ascertained in accordance with this scheme.

Non-dependant deemed to be residential occupier

4.—(1) If a person who resides in the dwelling-house, or in that part of a hereditament which is used for the purpose of a private dwelling in which the residential occupier resides, or is usually resident, appears to the Department to have a higher income than the residential occupier and the Department has grounds for considering that in the special circumstances of the case it would be reasonable to make the calculations under this scheme by reference to the income of that other person and not of the residential occupier, it may treat that other person as the residential occupier and grant such rebates (if any) as ought to be made on that basis.

(2) Where the Department exercises the power conferred on it by sub-paragraph (1), the residential occupier shall be treated as a non-dependant for the purposes of this scheme, but neither the spouse nor a dependent child of the person who is treated as the residential occupier shall be treated as a non-dependant for this purpose.

(3) In the following provisions of this scheme "residential occupier" includes a person treated as a residential occupier under sub-paragraph (1).

(4) Any question whether a person is a tenant of the residential occupier or a non-dependant shall be determined, for the purposes of this scheme, by the Department.

Needs Allowances

5.—(1) Subject to sub-paragraph (2), the needs allowance for each week is:

(*a*) for an individual person who has no dependent children	...	£34.90
(*b*) for a married couple	...	£51.70
(*c*) for an individual person who has a dependent child or children	...	£51.70
(*d*) for each dependent child of a residential occupier or his spouse	...	£ 9.60

(2) The needs allowance for each week is:

(*a*) for an individual person who has no dependent children and who is registered in pursuance of arrangements made under Articles 4(*b*) and 15 of the Health and Personal Social Services (Northern Ireland) Order 1972(a) (welfare arrangements for handicapped persons)	...	£38.90

(a) S.I. 1972/1265 (N.I. 14)

(*b*) for a married couple, one of whom is so registered ... £55.70

(*c*) for an individual person who is so registered and who has a dependent child or children ... £55.70

(*d*) for a married couple, both of whom are so registered ... £57.65

Income of residential occupier

6.—(1) The weekly income of the residential occupier and any spouse of the residential occupier shall be ascertained for the purposes of this scheme by taking the amount which the Department has assessed under paragraph 16 as likely to be their income during the rebate period disregarding any item mentioned in sub-paragraph (2) which is included in that income.

(2) The items to be disregarded are—

(*a*) any payment made to the residential occupier or his spouse by a dependent child of his or his spouse or by a non-dependant;

(*b*) the first £9.60 of the earnings of an applicant and in the case of a married couple the first £9.60 of the earnings of the applicant and the first £5.00 of the earnings of the applicant's spouse;

(*c*) any sums payable by virtue of regulations made under Articles 39 and 40 of the Education and Libraries (Northern Ireland) Order 1972(**a**) (financial assistance for education);

(*d*) any attendance allowance;

(*e*) any sums payable to any person as holder of the Victoria Cross or the George Cross;

(*f*) any benefit under the Supplementary Benefits (Northern Ireland) Order 1977(**b**);

(*g*) (i) a war disablement pension;

(ii) a special widow's pension;

(*h*) (i) £4 of any of the following namely—

(*a*) industrial disablement benefit;

(*b*) an old cases allowance;

(*c*) any payment which the Department accepts as being analogous to a payment mentioned in head (*h*)(i)(*a*);

(ii) £4 of so much of—

(*a*) a widow's pension under Chapter IV of Part II of the Social Security (Northern Ireland) Act 1975(**c**);

(*b*) any payment which the Department accepts as being analogous to a payment mentioned in head (*h*)(ii)(*a*);

as exceeds the rate specified in Part I of Schedule 4 to the Social Security (Northern Ireland) Act 1975(**c**) for a widow's pension under Chapter I of Part II of that Act;

(*i*) £4.00 of any charitable payment or of any voluntary payment other than a payment made by a person who is not a non-dependant for the maintenance of his spouse (including a spouse with whom he is not living) or his former spouse or his children.

(3) The total sums to be disregarded under sub-paragraphs (2)(*g*) to (2)(*i*) shall in no case exceed £4.00, and where a number of voluntary or charitable payments (other than payments for maintenance such as are mentioned in sub-paragraph (2)(i)) are received, they shall be treated as if they were one payment for the purposes of that provision.

(4) In sub-paragraph (2)—

"attendance allowance" and "war disablement pension" have the meanings assigned to them by any regulations for the time being in force under the Family Income Supplements Act (Northern Ireland) 1971(**d**);

"industrial disablement benefit" means any weekly payment of disablement benefit under Chapter IV of Part II of the Social Security (Northern Ireland) Act 1975(**c**);

(**a**) S.I. 1972/1263 (N.I. 12) as substituted by S.I. 1978/1040 (N.I. 10) art. 6

(**b**) S.I. 1977/2156 (N.I. 27)

(**c**) 1975 c. 15 Schedule 4 was amended by S.R. 1980 No. 294; Chapter 4 of Part II was modified by S.R. 1977 No. 272

(**d**) 1971 c. 8 (N.I.)

"old cases allowance" beans a weekly payment under regulations having effect by virtue of the Industrial Injuries & Diseases (Northern Ireland Old Cases) Act 1975(**a**);

"special widow's pension" means—

(*a*) any widow's pension or allowance granted under powers conferred by or under the Ministry of Pensions Act 1916(**b**): the Air Force (Constitution) Act 1917(**c**), the Personal Injuries (Emergency Provisions) Act 1939(**d**), the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(**e**), the Polish Resettlement Act 1947(**f**), the Home Guard Act 1951(**g**), the Ulster Defence Regiment Act 1969(**h**) or Part VII of the Reserve Forces Act 1980(**i**);

(*b*) a pension or allowance for a widow granted under any scheme made under the Injuries in War (Compensation) Act 1914(**j**), the Injuries in War Compensation Act 1914 (Session 2)(**k**), or section 50 of the Post Office Act 1969(**l**) or under any War Risk Compensation Scheme for the Mercantile Marine.

Reckonable rates

7.—(1) In the case of a residential occupier mentioned in paragraph 2(1)(*a*) the reckonable rate shall be—

(*a*) the amount of rates chargeable upon him for the rebate period, less

(*b*) the proportion of that amount which, by virtue of sub-paragraph (3), is or would be the reckonable rates in relation to that rebate period of the residential occupier there mentioned.

(2) In the case of a residential occupier mentioned in paragraph 2(1)(*b*) the reckonable rates shall be—

(*a*) the proportion of the rates chargeable upon him for the rebate period attributable to that part of the hereditament which is used for the purpose of a private dwelling, less

(*b*) the proportion of that amount which, by virtue of sub-paragraph (3), is or would be, the reckonable rates in relation to that rebate period, of the residential occupier there mentioned.

(3) In the case of a residential occupier mentioned in paragraph 2(1)(*c*) the reckonable rates shall be such proportion of the amount which, for that rebate period, is or would be the amount referred to in sub-paragraph (1)(*a*) or, as the case may be, sub-paragraph (2)(*a*), as is attributable to the valuation assessed on that part of the hereditament by the Commissioner of Valuation.

Minimum weekly rates

8.—(1) In this scheme "minimum weekly rates" means, subject to sub-paragraphs (2) and (3), £0.33 or 40% of the weekly rates, whichever is the greater.

(2) In any case where the weekly income of the residential occupier and his spouse is less than the needs allowance, "minimum weekly rates" means the amount calculated in accordance with sub-paragraph (1), less an amount equal to 8% of the difference between the needs allowance and the weekly income.

(3) In any case where the reduction under sub-paragraph (2) would be equal to or greater than £0.33 or 40% of the weekly rates, whichever is the greater, the minimum weekly rates shall be zero.

Amount of rebate

9.—(1) The amount of rebate to be granted shall be an amount calculated in accordance with this paragraph but less any sum in respect of non-dependants as mentioned in paragraph 10, and subject in any event to paragraphs 11 and 12.

(**a**) 1975 c. 17
(**b**) 1916 c. 65
(**c**) 1917 c. 51
(**d**) 1939 c. 82
(**e**) 1939 c. 83
(**f**) 1947 c. 19
(**g**) 1951 c. 8
(**h**) 1969 c. 65
(**i**) 1980 c. 9
(**j**) 1914 c. 30 (4 & 5 Geo. 5)
(**k**) 1914 c. 18 (5 & 6 Geo. 5)
(**l**) 1969 c. 48