
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 184

The Rate Relief Regulations (Northern Ireland) 2017

PART 3

Entitlement

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10.—(1) Subject to the provisions of these regulations, a person is entitled to rate relief if at the relevant date—

- (a) he is liable for rates in respect of a dwelling in Northern Ireland which he occupies as his home and remains so liable;
- (b) he has eligible rates calculated in accordance with regulation 11;
- (c) subject to paragraph (2) he is not entitled to housing benefit;
- (d) he is entitled to universal credit; and
- (e) either, for the attribution period—
 - (i) his income does not exceed the maximum amount; or
 - (ii) his income exceeds that amount, but only by so much that there is an amount remaining if the deduction for which paragraph (3)(b) provides is made.

(2) Where Part 10 of these regulations applies and entitlement to housing benefit is only by virtue of regulation 3(2)(a) of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016⁽¹⁾ (housing benefit in respect of specified accommodation) then if the claimant is otherwise entitled to rate relief he shall be entitled to rate relief for the other dwelling occupied as his home as if the claimant was not in such specified accommodation, or entitled to housing benefit in respect of it, for the purposes of those regulations.

(3) Where a person is entitled to rate relief, then—

- (a) if his income does not exceed the maximum amount, the amount of the rate relief shall be the amount which is the appropriate eligible rates in his case; and
- (b) if his income exceeds the maximum amount, the amount of the rate relief shall be what remains after the deduction from the appropriate eligible rates of 15 per cent, of the excess of his income over the maximum amount.

(4) Where the relevant authority receives information from the Department for Communities that information shall be accepted without seeking verification from other sources.

(5) Notwithstanding paragraph (4) a relevant authority may delay making a decision in relation to rate relief if an issue arises as to whether the universal credit information is correct.

(6) For the purposes of this regulation “universal credit award” shall include payments on account made to the claimant in accordance with Part 2 of the Social Security (Payments on Account of

Benefit) Regulations (Northern Ireland) 2016⁽²⁾ as if universal credit was awarded without the application of that Part and—

- (a) shall exclude any payment made under—
 - (i) Part 3 of the Social Security (Payments on Account of Benefit) Regulations (Northern Ireland) 2016 (budgeting advances);
 - (ii) the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (transitional protection);
 - (iii) Part 8, Chapter 3 of the Universal Credit Regulations (hardship payment);
 - (iv) payments made in accordance with Article 137 of the Welfare Reform Order (payments to persons suffering financial disadvantage);
- (b) where deductions are made in accordance with—
 - (i) Part 8, Chapter 2 of the Universal Credit Regulations (sanctions);
 - (ii) Part 5 of the Social Security (Overpayments and Recovery) Regulations (Northern Ireland) 2016⁽³⁾ (recovery of overpayments);
 - (iii) The Social Security (Payments on Account, Overpayments and Recovery) Regulations (Northern Ireland) 1988⁽⁴⁾;
 - (iv) regulation 8 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (treatment of overpayments);
 - (v) section 69ZH of the Administration Act (recovery of hardship payments);
 - (vi) regulation 55, of and Schedules 5 and 6 of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016⁽⁵⁾ (deduction from benefit and direct payment to third parties and in respect of child support maintenance and payment to persons with care);
 - (vii) the Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002⁽⁶⁾;
 - (viii) the Social Security (Payments on Account of Benefit) Regulations (Northern Ireland) 2016 (recovery of payments)⁽⁷⁾,

the award shall be as if these deductions had not been made; and
- (c) where deductions are made in accordance with Article 101 of the Welfare Reform Order (the benefit cap) the award shall be the award after this deduction has been made.

(7) For the purposes of this regulation “income” means income as assessed for universal credit in accordance with Part 6, Chapters 2 and 3 of the Universal Credit Regulations as adjusted by regulation 29(7) of those Regulations, that was applied to the universal credit award extant on the relevant date with the following modifications—

- (a) income from earnings shall be adjusted to the net earnings as assessed for universal credit in accordance with Part 6, Chapter 2 of the Universal Credit Regulations less half of the universal credit work allowance determined in accordance with regulation 23(2) of the Universal Credit Regulations;
- (b) where the amount of half of the universal credit work allowance exceeds the amount of net earnings only the amount equivalent to the net earnings shall be deducted; and

(2) S.R. 2016 No. 223
 (3) S.R. 2016 No. 224
 (4) S.R. 1988 No. 142
 (5) S.R. 2016 No. 220
 (6) S.R. 2002 No. 79
 (7) S.R. 2016 No. 223

- (c) the amount of the universal credit award in accordance with paragraph (6) at the relevant date shall be added as income.

Eligible rates

11.—(1) Subject to these regulations, and any apportionment in accordance with Article 19 of the 1977 Order, the eligible rates shall be the amount of the payments by way of rates payable in respect of the hereditament occupied as his home.

(2) Where a rateable unit consists partly of a hereditament in the capital list and partly of a hereditament in the NAV list, only such proportion of the rates payable for the part of the hereditament in the capital value list shall count as the appropriate eligible rates for the purpose of these regulations.

(3) Subject to paragraph (4) where more than one person is liable to make payments by way of rates in respect of a dwelling, the rates payable in respect of that dwelling shall be apportioned by the relevant authority for the purposes of calculating the appropriate eligible rates for each such person having regard to all circumstances, in particular the number of such persons and the proportion of rates paid by each such person.

(4) For the purpose of these regulations a person shall be treated as if he were not liable for rates where—

- (a) he or his partner is a close relative of the owner or landlord of the dwelling where the owner or landlord also resides in that dwelling;
- (b) he is in—
 - (i) a residential care home;
 - (ii) a nursing home; or
 - (iii) independent hospital;
- (c) the relevant authority is satisfied that the liability was created to take advantage of the rate relief scheme in these regulations.

(5) The total eligible rates, whether applicable to one or more person in respect of the same dwelling cannot exceed the rates chargeable for that dwelling in accordance with the 1977 Order.

Calculation of eligible rates amount for the attribution period

12.—(1) Subject to regulations 11, 13 and 14, a claimant's entitlement to rate relief in any attribution period shall be calculated in accordance with the following provisions of this regulation.

(2) The amount of eligible rates for the attribution period shall be—

- (a) where rates are charged—
 - (i) for a full year by dividing the annual rates chargeable by 12.
 - (ii) for only part of the year by dividing the rates chargeable for that portion of the year by the number equal to the number of days in that portion, multiplying by the number of days in that year and dividing by 12.

(3) Subject to paragraph (4), where the application of this regulation results in a shortfall or surplus amount of rate relief compared to the rates liability for the dwelling occupied as the home for the period that the claimant occupies the same dwelling within any year and is entitled to rate relief for the whole of that period, the amount of rate relief payable in the attribution period that includes the—

- (a) 31st March; or
- (b) the date that the claimant's rates liability for that dwelling ends,

shall be adjusted so that the rate relief payable for that dwelling within that year for the period that rate relief is payable corresponds with the claimant's rates liability on that dwelling for that period.

(4) Paragraph (3) shall only apply where regulation 10(3)(a) applies for the whole of that period.