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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 203**

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

**PART 14**

**Decisions, Revisions and Appeals**

**Modification of the 2000 Act**

**40.** Schedule 7 to the 2000 Act 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 “housing benefit”, wherever it occurs, there were substituted “rate relief”;
- (b) as if for “benefit”, wherever it occurs except in paragraphs 13(4)(b), 16(7)(b) and 17(7)(b)(ii), there were substituted “rate relief”;
- (c) as if in paragraph 6—
  - (i) in sub-paragraph (1)(a) for “; or” there were substituted “.”;
  - (ii) sub-paragraph (1)(b) were omitted;
  - (iii) sub-paragraphs (2)(a) and (c) and (4) were omitted;
  - (iv) after sub-paragraph (2)(b) for “; or” there were substituted “.”;
  - (v) in sub-paragraph (6) for “section 73 of the Administration Act (overpayments of housing benefit)” there were substituted “Part 12 of these Regulations”;
- (d) as if paragraph 8(2)(a) were omitted;
- (e) as if in paragraph 14(3) for “section 5(1)(hh) of the Administration Act” there were substituted “regulation 45 of these Regulations”;
- (f) as if paragraph 19(3)(b) and (c) were omitted;
- (g) as if in paragraph 20(1)(b) the reference to the Department were a reference to the Department of Finance and Personnel;
- (h) as if paragraphs 21 and 22 were omitted.

**Modification of the Decisions and Appeals Regulations 1999**

**41.—(1)** Subject to paragraph (2), the provisions in Chapters II to V of Part V of the Decisions and Appeals Regulations 1999 shall apply, in relation to the procedure to be followed in respect of appeals under Schedule 7 to the 2000 Act, to these Regulations as they apply for the purposes of the Housing Benefit (State Pension Credit) Regulations with the following modifications—

- (a) as if for “the Department”, wherever it occurs, there were substituted “the relevant authority”;
- (b) as if in regulation 50 after “Article 8(4)” there were inserted “of the 1998 Order”;

- (c) as if in regulation 53(3) for sub-paragraph (b) there were substituted—
    - “(b) the conditions governing appeals to a Commissioner;”;
  - (d) as if in regulation 55(3) “or, as the case may be, a Child Support Commissioner” were omitted;
  - (e) as if in regulation 56—
    - (i) in paragraph (1) for “or the Child Support Order” there were substituted “of these Regulations”;
    - (ii) paragraph (3) were omitted;
  - (f) as if in regulation 57—
    - (i) in paragraph (1) for “or the Child Support Order” there were substituted “of these Regulations”;
    - (ii) in paragraph (3)—
      - (aa) in sub-paragraph (a)(i) after “regulation 53(3)”;
      - (bb) in sub-paragraph (a)(ii) after “regulation 53(4)”;
    - (iii) there were inserted “of the Decisions and Appeals Regulations 1999 as applied with modifications for the purposes of these Regulations by regulation 41”;
  - (g) as if in regulation 58(1) for “Article 13 or 14” there were substituted “paragraph 6 or 7 of Schedule 7 to the 2000 Act as applied with modifications for the purposes of these Regulations by regulation 40”;
  - (h) as if for regulation 58A there were substituted—
 

“**58A.** A partner, within the meaning of section 2AA(7) of the Administration Act, may appeal to a Commissioner under paragraph 6 of Schedule 7 to the 2000 Act, as applied with modifications for the purposes of these Regulations by regulation 40, from a decision of an appeal tribunal in respect of a decision that—

    - (a) the partner of a person entitled to rate relief has failed to comply with a requirement to take part in an interview which applied to the partner by virtue of the regulations, or
    - (b) it has not been shown that the partner had good cause for such a failure.”.
- (2) Regulations 38A, 41, 42, 44, 45, 52 and 54(13) shall not apply in relation to the procedure to be followed in respect of appeals under Schedule 7 to the 2000 Act.

### **Modification of the Decisions and Appeals Regulations**

**42.** The Decisions and Appeals 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 for “housing benefit”, wherever it occurs, there were substituted “rate relief”;
- (b) as if for “benefit week”, wherever it occurs, there were substituted “rate relief week”;
- (c) as if after “Schedule 7 to the Act”, wherever it occurs, there were inserted “as applied with modifications for the purposes of these Regulations by regulation 40”;
- (d) as if in regulation 1(2) there were inserted in the appropriate place—
 

““the Department” means the Department of Finance and Personnel;”;
- (e) as if in regulation 2(a) and (b) “, the Department”, wherever it occurs were omitted;
- (f) as if in regulation 3(1)—

- (i) in sub-paragraph (b) for ‘dwelling’ there were substituted ‘hereditament’;
- (ii) for sub-paragraphs (c), (d) and (e) there were substituted—
  - “(c) a person appointed by the relevant authority under regulation 61(3) of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 25, or, as the case maybe, regulation 80(3) of the Housing Benefit Regulations as applied with modifications for the purposes of the Rate Relief (General) Regulations (Northern Ireland) 2007 by regulation 26 of those Regulations;
  - (d) a person from whom the relevant authority determines that an overpayment is recoverable in accordance with Part XII of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 32, or, as the case maybe, Part XIII of the Housing Benefit Regulations as applied with modifications for the purposes of the Rate Relief (General) Regulations (Northern Ireland) 2007 by regulation 33 of those Regulations;
  - (e) a landlord or agent acting on behalf of that landlord and that decision is made under regulation 73 of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 30, or, as the case maybe, regulation 92 or 93 of the Housing Benefit Regulations as applied with modifications for the purposes of the Rate Relief (General) Regulations (Northern Ireland) 2007 by regulation 31 of those Regulations;”;
- (g) as if regulation 4—
  - (i) paragraph (5) were omitted;
  - (ii) in paragraphs (6B) and (6C) and 7(2)(h)(ii) after “relevant benefit” there were inserted “or housing benefit”;
- (h) as if regulation 7—
  - (i) paragraphs (2)(d) and (2ZA) were omitted;
  - (ii) in paragraph (2)(f) and (g) for “the Department” there were substituted “the Department for Social Development”;
  - (iii) in paragraph (3) for “regulation 84(2) of the Housing Benefit Regulations or, as the case maybe, regulation 65(2) of the Housing Benefit (State Pension Credit) Regulations” there were substituted “regulation 84(2) of the Housing Benefit Regulations as applied with modifications for the purposes of the Rate Relief (General) Regulations (Northern Ireland) 2007 by regulation 26 of those Regulations or, as the case maybe, regulation 65(2) of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 25”;
- (i) as if in regulation 8—
  - (i) in paragraph (2) for the words from “in accordance with” to “as the case may be” there were substituted “in accordance with regulation 77 of the Housing Benefit Regulations as applied with modifications for the purposes of the Rate Relief (General) Regulations (Northern Ireland) 2007 by regulation 24 of those Regulations or, as the case maybe, regulations 57 or 58 of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 23”;

- (ii) in paragraph (3)(a) after “Housing Benefit (State Pension Credit) Regulations” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 23”;
- (iii) paragraph (6A) were omitted;
- (j) as if in regulation 11(2)(c) for “section 73 of the Administration Act (overpayments of housing benefit) or regulations made under that section” there were substituted “Part 12 of these Regulations”;
- (k) as if in regulation 13(2)(c) for “regulation 82 of the Housing Benefit Regulations or, regulation 63 of the Housing Benefit (State Pension Credit) Regulations” there were substituted “regulation 82 of the Housing Benefit Regulations as applied with modifications for the purposes of the Rate Relief (General) Regulations (Northern Ireland) 2007 by regulation 26 of those Regulations or, as the case maybe, regulation 63 of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 25”;
- (l) as if regulation 17(2)—
  - (i) in sub-paragraph (b) for “Administration Act” there were substituted “these Regulations”;
  - (ii) in sub-paragraph (d) for “section 73 of the Administration Act” there were substituted “Part 12 of these Regulations”;
- (m) as if regulation 22(2) and regulation 23 were omitted;
- (n) as if in the Schedule—
  - (i) paragraph 1 were omitted;
  - (ii) in paragraph 1A(1)—
    - (aa) “regulation 15 (decisions),” were omitted;
    - (bb) after “the Housing Benefit (State Pension Credit) Regulations” there were inserted “as applied with modifications for the purposes of these Regulations by regulations 25, 32 and 32”;
    - (cc) in sub-paragraph (a) after “62” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 25 ”;
    - (dd) sub-paragraph (b) were omitted;
    - (ee) in sub-paragraphs (c) and (d) after “73” and “74” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 30”;
    - (ff) in sub-paragraphs (e) to (h) after “78”, “79”, “81” and “82” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 32”;
  - (iii) in paragraph 3 after “the Act” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 40”;
  - (iv) in paragraph 4 after “these Regulations” and “regulation 14” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 42”;

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(1) Paragraph 1A of the Schedule was inserted by paragraph 3(7)(b) of Schedule 2 to [S.R. 2006 No. 407](#)

- (v) in paragraph 5 after “the Housing Benefit (State Pension Credit) Regulations” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 19”.

### **Modification of the Commissioner Procedures Regulations**

**43.** The Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999<sup>(2)</sup> Regulations shall apply for the purposes of these Regulations as they apply for the purposes of the Housing Benefit Regulations with the following modifications—

- (a) as if for “the Department”, wherever it occurs, there were substituted “the relevant authority”;
- (b) as if regulation 3 were omitted;
- (c) as if in regulation 4—
  - (i) there were inserted in the appropriate place—

“the Rate Relief Regulations” means the Rate Relief (General) Regulations (Northern Ireland) 2007 and the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007;”;
  - (ii) in the definition of “the chairman”<sup>(3)</sup>—
    - (aa) after “and 10” there were inserted “of the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999 as applied with modifications for the purposes of these Regulations by regulation 43”;
    - (bb) after “to the 2000 Act” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 40”;
  - (iii) the definition of “the Department”<sup>(4)</sup> were omitted;
  - (iv) in the definition of “person affected”<sup>(5)</sup> after “(Northern Ireland) 2001” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 42”;
  - (v) in the definition of “relevant authority”<sup>(6)</sup> after “to the 2000 Act” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 40”;
  - (vi) in paragraph (2)<sup>(7)</sup>—
    - (aa) after “to the 2000 Act”, in both places where it occurs, there were inserted “as applied with modifications for the purposes of these Regulations by regulation 40”;
    - (bb) after “(Northern Ireland) 2001” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 42”;
- (d) as if—
  - (i) in regulation 5(2)(a) after “and 13(2)”;
  - (ii) in regulation 7(1)—
    - (aa) in sub-paragraph (a) after “and 20”;
    - (bb) in sub-paragraph (b) after “regulation 23”;

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(2) S.R. 1999 No. 225

(3) The definition of “the chairman” was amended by regulation 2(3) of S.R. 2007 No. 146

(4) The definition of “the Department” was substituted by regulation 2(3) of S.R. 2007 No. 146

(5) The definition of “person affected” was inserted by regulation 2(3) of S.R. 2007 No. 146

(6) The definition of “relevant authority” was inserted by regulation 2(3) of S.R. 2007 No. 146

(7) Regulation 4(2) was inserted by regulation 2(3) of S.R. 2007 No. 146

- (cc) in sub-paragraph (c) after “regulation 25”;
- (dd) in sub-paragraph (d) after “regulation 5”;
- (ee) in sub-paragraph (e) after “regulation 26”;
- (ff) in sub-paragraph (f) after “regulation 27”;
- (gg) in sub-paragraph (g) after “regulation 5”;
- (iii) in regulation 11(2)—
  - (aa) after “regulation 9”;
  - (bb) in sub-paragraph (b) after “regulation 12”;
- (iv) in regulation 12(1) after “regulation 11(2)”;
- (v) in regulation 14(3)(8) after “regulation 15(2)”,  
there were inserted “of the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999 as applied with modifications for the purposes of these Regulations by regulation 43”;
- (e) as if in regulation 15(9)—
  - (i) in paragraph (1) after “to the 2000 Act”, in both places where it occurs, there were inserted “as applied with modifications for the purposes of these Regulations by regulation 40”;
  - (ii) in paragraph (2) after “regulation 14(2)” there were inserted “of the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999 as applied with modifications for the purposes of these Regulations by regulation 43”;
- (f) as if in regulation 18(4)(10) after “regulation 20” there were inserted “of the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999 as applied with modifications for the purposes of these Regulations by regulation 43”;
- (g) as if in regulation 19(11)—
  - (i) in paragraphs (1) and (3)(b) after “regulation 18” there were inserted “of the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999 as applied with modifications for the purposes of these Regulations by regulation 43”;
  - (ii) after “to the 2000 Act” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 40”;
- (h) as if in regulation 20(4) after “and 19” there were inserted “of the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999 as applied with modifications for the purposes of these Regulations by regulation 43”;
- (i) as if in regulation 24(6)(ff)(12) for “housing benefit” there were substituted “rate relief”;
- (j) as if in regulation 28(2)(13) after “to the 2000 Act” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 40”;
- (k) as if—
  - (i) in regulations 30 and 31 after “and 32”;
  - (ii) in regulation 32—
    - (aa) in paragraph (1) after “and 31”;

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(8) Regulation 14(3) was amended by regulation 2(7) of S.R. 2007 No. 146

(9) Regulation 15 was amended by regulation 2(8) of S.R. 2007 No. 146

(10) Regulation 18(4) was inserted by regulation 2(9) of S.R. 2007 No. 146

(11) Regulation 19 was amended by regulation 2(10) of S.R. 2007 No. 146

(12) Regulation 24(6)(ff) was inserted by regulation 2(11) of S.R. 2007 No. 146

(13) Regulation 28(2) was amended by regulation 2(12) of S.R. 2007 No. 146

- (bb) in paragraph (2) after “regulation 30” and “regulation 31”,  
there were inserted “of the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999 as applied with modifications for the purposes of these Regulations by regulation 43”;
- (l) as if in regulation 32(1)(14) after “to the 2000 Act” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 40”;
- (m) as if in regulation 33(15)—
- (i) in paragraph (1) after “to the 2000 Act” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 40”;
- (ii) in paragraph (2)—
- (aa) in sub-paragraph (a) after “regulation 30”;
- (bb) in sub-paragraph (b) after “regulation 31” and “regulation 31(2)”,  
there were inserted “of the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999 as applied with modifications for the purposes of these Regulations by regulation 43”;
- (iii) in paragraph (3)—
- (aa) after “Housing Benefit Regulations (Northern Ireland) 2006” there were inserted “as applied with modifications for the purposes of the Rate Relief (General) Regulations (Northern Ireland) 2007 by regulation 26 of those Regulations”;
- (bb) after “Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 25”;
- (cc) after “to the 2000 Act” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 40”;
- (iv) in paragraph (4)—
- (aa) in sub-paragraph (a) for “housing benefit” there were substituted “rate relief”;
- (bb) sub-paragraphs (b) and (c) were omitted;
- (v) in paragraph (5) after “regulation 26” there were inserted “of the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999 as applied with modifications for the purposes of these Regulations by regulation 43”.

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(14) Regulation 32(1) was amended by regulation 2(15) of [S.R. 2007 No. 146](#)

(15) Regulation 33 was amended by regulation 2(16) of [S.R. 2007 No. 146](#)