

## SCHEDULE

Regulation 3(3)

### Disregarded Persons

1.—(1) A person who is engaged in providing care to the person who has attained the age of 70 years in the circumstances set out in sub-paragraph (2).

(2) The circumstances referred to in sub-paragraph (1) are—

- (a) that the person who has attained the age of 70 years is entitled to a prescribed benefit;
- (b) the person providing the care is resident in the same dwelling-house as the person who has attained the age of 70 years;
- (c) the care is being provided for at least 35 hours a week on average; and
- (d) the person providing the care is not a disqualified relative of the person who has attained the age of 70 years.

(3) In this paragraph “prescribed benefit” means—

- (a) a higher rate attendance allowance under section 65 of the 1992 Act;
- (b) the highest rate of the care component of a disability living allowance under section 72(4) (a) of that Act [<sup>F1</sup>or the daily living component of personal independence payment at the enhanced rate in accordance with Article 83(2) of the Welfare Reform (Northern Ireland) Order 2015] ;
- (c) an increase in the rate of a disablement pension under section 104 of that Act by an amount which is the highest amount determined in accordance with paragraph (a) of regulation 17 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(1) or, in a case to which paragraph (b) of that regulation applies, the amount determined in accordance with that paragraph; or
- (d) a constant attendance allowance at the rate provided for by article 14(4) or (5) of the Personal Injuries (Civilians) Scheme 1983(2) or article 8(4) or (5) or 71(4)(b) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(3) (including those provisions as applied, whether with or without modifications, by any other instrument).

(4) For the purposes of this paragraph, a person is a disqualified relative of another if—

- (a) he is the spouse of the other or they live together as husband and wife; or
- (b) he is the civil partner of the other or they live together as if they were civil partners.

**F1** Words in Sch. para. 1(3)(b) inserted (1.4.2022) by [The Rate Relief \(Lone Pensioner Allowance\) \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/90\)](#), regs. 1, 2(2)

#### Commencement Information

**II** Sch. para. 1 in operation at 1.4.2008, see [reg. 1](#)

2.—(1) A person who—

- (a) is receiving care from the person who has attained the age of 70 years; and
- (b) fulfils the requirements set out in sub-paragraph (2).

(2) The requirements referred to in sub-paragraph (1) are that the person is—

(1) [S.R. 1984 No. 92](#)

(2) [S.I. 1983/686](#); relevant amending instruments are [S.I. 2001/420](#) and [S.I. 2007/646](#)

(3) [S.I. 2006/606](#); relevant amending instruments are [S.I. 2006/1455](#) and [S.I. 2007/909](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Rate Relief (Lone Pensioner Allowance) Regulations (Northern Ireland) 2008. (See end of Document for details)

- (a) entitled to a prescribed benefit;
- (b) resident in the same dwelling-house as the person who has attained the age of 70 years who is providing him with care;
- (c) receiving that care for at least 35 hours a week on average; and
- (d) not a disqualified relative of that person.

(3) Sub-paragraphs (3) and (4) of paragraph 1 shall apply for the purposes of this paragraph as they apply for the purposes of paragraph 1.

**Commencement Information**

**I2** Sch. para. 2 in operation at 1.4.2008, see [reg. 1](#)

- 3.—(1) A person who is a patient having his only or principal residence in a hospital.
- (2) In this paragraph “hospital” has the same meaning as in Article 2 of the 2003 Order.

**Commencement Information**

**I3** Sch. para. 3 in operation at 1.4.2008, see [reg. 1](#)

- 4.—(1) A person who—
  - (a) has his only or principal residence in a nursing home or residential care home; and
  - (b) is receiving care or treatment (or both) in that home.
- (2) In this paragraph—
  - “nursing home” has the same meaning as in Article 11 of the 2003 Order; and
  - “residential care home” has the same meaning as in Article 10 of the 2003 Order.

**Commencement Information**

**I4** Sch. para. 4 in operation at 1.4.2008, see [reg. 1](#)

- 5.—(1) A person certified by a registered medical practitioner to be or to be likely to be severely mentally impaired.
- (2) For the purposes of this paragraph a person is severely mentally impaired if he has a severe impairment of intelligence or social functioning (however caused) which appears to be permanent.

**Commencement Information**

**I5** Sch. para. 5 in operation at 1.4.2008, see [reg. 1](#)

- 6. A person who has not attained the age of 18 years.

**Commencement Information**

**I6** Sch. para. 6 in operation at 1.4.2008, see [reg. 1](#)

**Changes to legislation:** *There are currently no known outstanding effects for the The Rate Relief (Lone Pensioner Allowance) Regulations (Northern Ireland) 2008. (See end of Document for details)*

7. A person who has attained the age of 18 years in respect of whom another person is entitled to child benefit or would be so entitled but for paragraph 1(1)(f) of Schedule 9 to the 1992 Act.

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**Commencement Information**

**I7** Sch. para. 7 in operation at 1.4.2008, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Rate Relief (Lone Pensioner Allowance) Regulations (Northern Ireland) 2008.