

STATUTORY RULES OF NORTHERN IRELAND

**2017 No. 184**

**The Rate Relief Regulations (Northern Ireland) 2017**

**PART 2**

Claims

**Claim for rate relief**

3.—(1) A claim must be made to the Department for rate relief in accordance with these regulations.

(2) Except as provided in paragraph (3), a claim for rate relief must be made by means of an electronic communication in accordance with the provisions set out in the Schedule and completed in accordance with any instructions given by the relevant authority for that purpose.

(3) Where the Department is of the view that the process referred to in [<sup>F1</sup>paragraph 2] needs to be facilitated it shall make available support arrangements for a claimant.

(4) In the case of a couple <sup>F2</sup>... a claim shall be made by whichever one of them they agree should so claim or, in default of agreement, by such one of them as the relevant authority shall determine.

<sup>F3</sup>(5) .....

**F1** Words in [reg. 3\(3\)](#) substituted (8.5.2018) by [The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/109\)](#), regs. 1, [2\(3\)\(a\)](#)

**F2** Words in [reg. 3\(4\)](#) omitted (8.5.2018) by virtue of [The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/109\)](#), regs. 1, [2\(3\)\(b\)](#)

**F3** [Reg. 3\(5\)](#) omitted (8.5.2018) by virtue of [The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/109\)](#), regs. 1, [2\(3\)\(c\)](#)

**Person unable to act**

4.—(1) Where a person is unable for the time being to act, and—

(a) a controller has been appointed by the High Court under Part 8 of the Mental Health (Northern Ireland) Order 1986 <sup>M1</sup> with power to claim, or as the case may be, receive social security benefits on his behalf; or

(b) an attorney with a general power or a power to claim or, as the case may be, receive social security benefits, has been appointed by that person under the Powers of Attorney Act (Northern Ireland) 1971 <sup>M2</sup> or the Enduring Powers of Attorney (Northern Ireland) Order 1987 <sup>M3</sup>,

that controller or attorney, as the case may be, may make a claim for rate relief on behalf of that person.

(2) Where paragraph (1) does not apply and a person who is liable for rates is for the time being unable to act and the Department for Communities has appointed a person to act on his behalf for

the purposes of regulation 52(1) of the [<sup>F4</sup>Universal Credit (Claims and Payments) Regulations] the relevant authority may, if that person agrees, treat him as if he had been appointed by them under paragraph (3).

(3) Subject to paragraph (4), the relevant authority may upon receipt of a written application made by a person appoint that person (“the appointee”) to act on behalf of the claimant and to exercise on behalf of the claimant any right to which the claimant might be entitled under these regulations and to receive and deal with any rate rebate sums payable to the claimant.

(4) Paragraph (3) is subject to the condition that a person applying to be appointed as an appointee must be aged 18 years or over.

(5) Subject to paragraph (6), an appointment under paragraphs (2) or (3) comes to an end if—

- (a) the relevant authority at any time revokes it by notice in writing;
- (b) the appointee resigns their appointment by giving four weeks' notice in writing to the relevant authority of an intention to resign; or
- (c) the relevant authority is notified that a controller or an attorney has been appointed.

(6) Anything required by these regulations to be done by or to a claimant who is for the time being unable to act may be done by or to a controller, an attorney, an appointee or any person treated as the appointee under this regulation and the receipt of any such person so appointed shall be a good discharge to the relevant authority for any sum paid.

**F4** Words in [reg. 4\(2\)](#) substituted (1.4.2023) by [The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/39\)](#), regs. 1, **2(3)**

#### **Marginal Citations**

- M1** [S.I. 1986/595 \(N.I.4\)](#).
- M2** [1971 c.33 \(N.I.\)](#).
- M3** [S.I. 1987/1627 \(N.I. 16\)](#).

### **Time within which a claim for rate relief is to be made**

**5.—(1)** Subject to the provisions of these regulations, where a claim for rate relief is received or treated as received within three months of the date the first payment of universal credit is issued, following the initial decision to award universal credit, the date of claim will be the first day of entitlement to such universal credit claim.

[<sup>F5</sup>(1A) Subject to the provisions of these regulations where a revision in accordance with regulation 13 results in a disallowance of rate relief and the claimant would have been entitled to rate relief at any time between the effective date of that decision and the date that decision is made if a new claim had been made—

- (a) where the relevant authority is aware that there is such entitlement at the time that decision is made, a claim may be treated as made in accordance with paragraph (1) for any such period;
- (b) where the relevant authority is not aware of such entitlement the three month period referred to in paragraph (1) for any claim in that period shall start from the date the decision to revise is issued.

(1B) Subject to the provisions of these regulations where a revision in accordance with regulations 13(1)(h) and 14(7) results in a disallowance of rate relief and the claimant would be entitled to rate relief if a new claim was made from the day following the last day of entitlement a claim may be treated as made in accordance with paragraph (1) from that date.]

(2) Where a claimant is entitled to universal credit but was precluded from rate relief by virtue of regulation 10(1)(c) and housing benefit subsequently ceases—

- (a) the day following this cessation will be treated as the first day of entitlement of universal credit; and
- (b) the first payment of universal credit issued following cessation shall be treated as the first payment of universal credit.

(3) For the purposes of paragraph (1) where a claim is not received within the times specified in paragraph (1) or (2) but is received within one month of the date of issue of the next rate bill following the death of a former partner who was, at the date of his death entitled to rate relief in respect of the same dwelling, the date of claim or claims will be the first day of entitlement to any universal credit claim made on or after that date of death until the claim for rate relief is determined.

(4) [<sup>F6</sup>Subject to paragraphs (13) and (14), where] a claim for rate relief is not received, or treated as received within a time specified in paragraphs (1) to (3), the date of claim will be—

- (a) 3 months before the date it was received or treated as received if there is entitlement to universal credit on that date.
- (b) where there is no entitlement to universal credit on the date specified in sub-paragraph (a), the first day of entitlement of any universal credit claim made between that date and the date the claim for rate relief is determined.

(5) Where a claimant is unable to make a claim by means of an electronic communication in accordance with the Schedule due to a failure of the official computer system, on the last day of the time specified within paragraphs (1) to (3), the claim will be treated as made on that day provided it is made within 48 hours of the system becoming available again.

(6) A claim for rate relief made by means of an electronic communication in accordance with the provisions set out in the Schedule is defective if it is not completed in accordance with the instructions of the relevant authority.

(7) A claim made in accordance with regulation 3(3) shall be properly completed if the relevant authority is provided with all the information requested and the claim is defective if all the information is not so provided.

(8) If a claim for rate relief is defective the relevant authority must inform the claimant of the defect.

- (9) The relevant authority shall treat the claim as properly made in the first instance if—
  - (a) in the case of a claim for rate relief made in accordance with regulation 3(3), the person corrects the defect; or
  - (b) in the case of a claim for rate relief made by means of an electronic communication, the claim is completed in accordance with any instructions of the relevant authority,

within one month from the date on which the claimant is first informed of the defect.

(10) A claim for rate relief that is not properly made is not a claim for the purposes of these regulations.

(11) In the case of a claim for rate relief where the defect is not rectified in accordance with paragraph (9), the claim for rate relief will be treated as received on the date that the defect is rectified.

[<sup>F7</sup>(11A) For the purposes of these regulations where a new award of universal credit is made to a claimant couple in accordance with regulation 22(5) of the Universal Credit Regulations any award of universal credit for a claimant that subsisted on the day before that new award is effective from shall be treated as ending on that day.]

(12) [<sup>F8</sup>Subject to paragraphs (13) and (14) where] a claimant makes a claim for rate relief and there are any periods where there is no entitlement to universal credit before the claim for rate relief

has been determined, that claim for rate relief shall be treated as a multiple claim for each new universal credit award up to the date of determination of that rate relief claim and the date of claim for each of those claims will be the date of first entitlement of each of the universal credit awards within that period.

(13) For a date of claim to apply in accordance with this regulation, the claimant must otherwise be entitled to rate relief.

[<sup>F9</sup>(14) Where paragraph (13) applies the date of claim will be the date or dates that the claimant would otherwise become entitled to rate relief between—

- (a) the date that would in accordance with this regulation otherwise be the date of claim; and
- (b) the date the decision on the claim is made.]

- F5** [Reg. 5\(1A\)\(1B\) inserted \(1.4.2023\) by The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/39\), regs. 1, 2\(4\)\(a\)](#)
- F6** [Words in reg. 5\(4\) substituted \(8.5.2018\) by The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/109\), regs. 1, 2\(4\)\(a\)](#)
- F7** [Reg. 5\(11A\) inserted \(1.4.2023\) by The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/39\), regs. 1, 2\(4\)\(b\)](#)
- F8** [Words in reg. 5\(12\) substituted \(8.5.2018\) by The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/109\), regs. 1, 2\(4\)\(b\)](#)
- F9** [Reg. 5\(14\) substituted \(8.5.2018\) by The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/109\), regs. 1, 2\(4\)\(c\)](#)

### **Date of first entitlement to rate relief**

6. A claimant who makes a claim for rate relief shall be entitled to it from the date of claim for rate relief in accordance with regulation 5.

### **Amendment of claim**

7.—(1) A claimant who has made a claim for rate relief may amend it at any time before a determination has been made on the claim for rate relief.

(2) Any claim amended in accordance with paragraph (1) may be treated as if it had been so amended in the first instance.

### **Withdrawal of rate relief claim**

8.—(1) A claimant who has made a rate relief claim may withdraw it at any time before a determination has been made on it by notice in writing received by electronic communication, by telephone call to a telephone number specified by the relevant authority or in such other manner as the relevant authority may decide or accept.

(2) Any notice of withdrawal given in accordance with paragraph (1) has effect when it is received.

### **Opting to end an award of rate relief**

9.—(1) Subject to paragraph (2) a person may opt to end an award of rate relief at any time by notice in writing received by electronic communication, by telephone call to a telephone number specified by the relevant authority or in such other manner as the relevant authority may decide or accept.

(2) Any notice of opting to end an award given in accordance with paragraph (1) has effect from the date specified by the claimant or where no date is specified, from the day the notice is received.

(3) Where a claimant gives notice of ending an award before a decision has been given on the claim, which is not a withdrawal in accordance with regulation 8, and an award is later made the notice shall be accepted and treated as if an award had been made at the time the notice was received.

(4) Once an award has ended in accordance with this regulation it cannot be reinstated.

(5) Subject to paragraph (7) where a claimant opts to end an award of rate relief in accordance with paragraph (1) any new claim which has a date of claim before the date that the next relevant date would have been due on the award had it not so ended, will have entitlement calculated using the universal credit information that would have applied had the award not so ended.

(6) Where a new claim is received in accordance with paragraph (5) the next relevant date shall be the date that would have been the next relevant date had the previous award not ended in accordance with this regulation.

(7) Paragraphs (5) and (6) shall cease to apply where entitlement to universal credit ceases at any time after the claimant opts to end an award.

**Changes to legislation:**

There are currently no known outstanding effects for the The Rate Relief Regulations (Northern Ireland) 2017, PART 2.