

**2018 No. 109**

**RATES**

**The Rate Relief (Amendment) Regulations (Northern Ireland)  
2018**

*Made* - - - - *4th May 2018*

*Coming into operation* - *8th May 2018*

The Department of Finance<sup>(a)</sup> makes the following Regulations in exercise of the powers conferred by Article 30A of the Rates (Northern Ireland) Order 1977<sup>(b)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Rate Relief (Amendment) Regulations (Northern Ireland) 2018 and shall come into operation on 8th May 2018.

**Amendment of the Rate Relief Regulations (Northern Ireland) 2017**

2.—(1) The Rate Relief Regulations (Northern Ireland) 2017<sup>(c)</sup> are amended in accordance with paragraphs (2) to (7).

(2) In Regulation 2 —

(a) in Paragraph (1) after the definition of “overpayment” insert—

““partner” means where a claimant is a member of a couple, the other member of that couple;”;

(b) substitute paragraph (2) with—

“(2) For the purposes of these regulations any apportionment made to any of the figures in the universal credit information in accordance with regulation 22A(2) (assessment period cycle to remain the same following change in the first date of entitlement) or 24 (apportionment where re-claim is delayed after loss of employment) of the universal credit regulations shall be ignored.”;

(c) in paragraph (3) substitute “paragraph (3)” with “paragraph (4)”;

(d) after paragraph (4) insert—

“(5) Where two people are parties to a polygamous marriage, the fact that they are husband and wife is to be disregarded if—

(a) one is a party to an earlier marriage that still subsists; and

(b) the other party to that earlier marriage is living in the same household;

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(a) The Department of Finance and Personnel was renamed the Department of Finance by section 1(4) of The Departments Act (Northern Ireland) 2016 c.5

(b) S.I. 1977/2157 (N.I.28); Article 30A was amended by Article 134 of The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I.1))

(c) S.R. 2017 No. 184

and accordingly the person who is not a party to the earlier marriage shall for the purposes of these regulations be treated as a single person.

(6) In Paragraph (5) “polygamous marriage” means a marriage during which a party to it is married to more than one person and which took place under the laws of a country which permits polygamy.”.

(3) In Regulation 3—

- (a) in paragraph (3) for “paragraph 1” substitute “paragraph 2”;
- (b) in paragraph (4) omit “or members of a polygamous marriage”; and
- (c) omit paragraph (5).

(4) In Regulation 5—

- (a) at the beginning of paragraph (4) for “Where” substitute “Subject to paragraphs (13) and (14), where”;
- (b) at the beginning of paragraph (12) for “Where” substitute “Subject to paragraphs (13) and (14) where”; and
- (c) for paragraph (14) substitute—

“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.”.

(5) In Regulation 10—

- (a) in paragraph 1(c) for “paragraph (2)” substitute “paragraphs (2) and (2A)”;
- (b) in paragraph (2) after each mention of “specified accommodation” insert “or temporary accommodation”;
- (c) after paragraph (2) insert—

“(2A) Where regulation 6(2A) of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016(a) applies, rate relief shall be calculated as if the award of housing benefit in the form of a rent rebate or allowance terminated at the same time as housing benefit in the form of a rate rebate for the same property in accordance with regulation 6(2) of those regulations.”; and
- (d) at the end of paragraph (5) insert “pending confirmation from the Department for Communities.”.

(6) In Regulation 19(2)(c) substitute “Part 9” with “Part 8”; and

(7) In Regulation 24(b) after “recoverable” insert “from”.

Sealed with the Official Seal of the Department of Finance on 4th May 2018

(L.S.)

*David Hughes*  
A senior officer of the Department of Finance

## **EXPLANATORY NOTE**

*(This note is not part of these Regulations)*

These Regulations make consequential amendments to the Rate Relief Regulations (Northern Ireland) 2017 (S.R.2017 No.184) (“the principal Regulations”) in response to policy changes made to Universal Credit in Northern Ireland and are necessary to ensure the rate rebate scheme remains in alignment with Universal Credit. They also provide for a number of minor amendments aimed at clarifying and correcting the principal Regulations.

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