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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 204**

**The Rate Relief (General) Regulations (Northern Ireland) 2007**

**PART 2**

Provisions affecting entitlement to rate relief

**Entitlement to rate relief**

7. A person is entitled to rate relief if—
- (a) he is liable to make payments in respect of a hereditament which he occupies as his home;
  - (b) there is an appropriate maximum rate relief in his case; and
  - (c) either—
    - (i) he is, or if a claim for housing benefit were made would be, entitled to less than 100% housing benefit; or
    - (ii) he is not, or if such a claim were made would not be, entitled to any housing benefit because his income exceeds the amount calculated in accordance with Part 5 (applicable amounts).
8. Where a person is entitled to rate relief, then—
- (a) if he has no income or his income does not exceed the applicable amount calculated in accordance with Part 5 (applicable amounts), the amount of rate relief shall be the amount which is the appropriate maximum rate relief in his case; or
  - (b) if his income exceeds the applicable amount calculated in accordance with Part 5, the amount of rate relief shall be the amount calculated under regulation 23 (calculation of weekly amount of rate relief).

Exclusions from rate relief

**Exclusions from rate relief**

9. Where one member of a family is entitled to rate relief that entitlement excludes any other member being entitled to that relief for the same period.

10. A person shall not be entitled to rate relief where he is a person who is not chargeable to rates in respect of a hereditament.

**Modification of Part II and Schedule A1**

11.—(1) Part II of the Housing Benefit Regulations (provisions affecting entitlement to housing benefit) shall apply for the purposes of these Regulations as it applies for the purposes of the Housing Benefit Regulations with the following modifications—

- (a) as if for “housing benefit”, wherever it occurs, there were substituted “rate relief”;
- (b) as if for “benefit weeks”, wherever it occurs, there were substituted “rate relief weeks”;

- (c) as if—
  - (i) for “dwelling”, wherever it occurs, there were substituted “hereditament”;
  - (ii) in regulation 7(6) for “dwellings”, wherever it occurs, there were substituted “hereditaments”;
- (d) as if in regulation 7—
  - (i) paragraphs (3) and (4) “(including payments of mortgage interest or analogous payments)” were omitted;
  - (ii) in paragraphs (3) and (6)(b) after “regulation 53(1)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 21”;
  - (iii) in paragraph (8)(c)(ii) after “Schedule 4” there were inserted “to the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 17”;
  - (iv) in paragraph (9)—
    - (aa) in sub-paragraph (a) after “regulation 81” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 26”;
    - (bb) in sub-paragraph (b) after “Part X” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 26”;
- (e) as if in regulation 8—
  - (i) in paragraph (1)—
    - (aa) after “regulation 9” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 11”;
    - (bb) in sub-paragraph (e) after “regulation 53(1)” there were inserted “regulation 53(1) of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 21”;
  - (ii) in paragraph (2) after “regulation 77 to 79” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 24”;
- (f) as if in regulation 9(1)(l) for “Part VII of the Act” there were substituted “Article 30A of the principal Order”;
- (g) as if in regulation 10—
  - (i) in paragraph (1) after “Schedule A1 (treatment of claims for housing benefit by refugees)” there were inserted “to the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 11”;
  - (ii) paragraph (6) after “2000” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 13”;
- (h) as if in regulation 10A—
  - (i) after “Schedule A1”, wherever it occurs, there were inserted “to the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 11”;
  - (ii) in paragraph (1)(a) for “; and” there were substituted “.”;
  - (iii) paragraphs (1)(b) and (2) were omitted.

(2) Schedule A1 to the Housing Benefit Regulations shall apply for the purposes of these Regulations as it applies for the purposes of the Housing Benefit Regulations with the following modifications—

- (a) as if for “housing benefit”, wherever it occurs, there were substituted “rate relief”;
- (b) as if for “dwelling”, wherever it occurs, there were substituted “hereditament”;
- (c) as if for “benefit”, wherever it occurs, there were substituted “rate relief”;
- (d) as if “rent or”, wherever it occurs, were omitted;
- (e) as if in paragraph 2(4) after “regulation 81(12)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 26”;
- (f) as if paragraph 3(1) were omitted;
- (g) as if in paragraph 4 after “Part V” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 17”;
- (h) as if in paragraph 6 after “regulation 84” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 26”;
- (i) as if in paragraph 7 after “Part VIII” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 22”;
- (j) as if in paragraph 8—
  - (i) in sub-paragraph (2) after “regulation 90”;
  - (ii) in sub-paragraph (3) “and 93”,  
there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 31”;
- (k) as if in paragraph 10 after “Schedule 10” there were inserted “to the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 30”.

### **Modification of the Immigration and Asylum Act**

**12.** Section 115 of the Immigration and Asylum Act (exclusion from benefits) shall apply for the purposes of these Regulations as it applies to the Housing Benefit Regulations with the following modifications—

- (a) as if for paragraph (1) there were substituted—

“(1) A person shall not be entitled to rate relief while he is a person to whom this section applies.”;
- (b) as if paragraphs (2), (5), (7) and (8) were omitted;
- (c) as if for paragraph (6) there were substituted—

“(6) In relation to rate relief “prescribed” means prescribed by regulations made by the Department of Finance and Personnel.”.

### **Modification of the Social Security (Immigration and Asylum) Consequential Amendments Regulations**

13. Regulation 2 of and Part I of the Schedule to the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000(1) 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 in regulation 2—
  - (i) in paragraph (1) for “income-based jobseeker’s allowance, income support, a social fund payment or housing benefit under the Contributions and Benefits Act, as the case may be,” there were substituted “rate relief”;
  - (ii) paragraphs (2), (3), (4)(b), (5) were omitted;
  - (iii) in paragraph (4)(a) for “income support, a social fund payment or housing benefit under the Contributions and Benefits Act, as the case may be,” there were substituted “rate relief”;
  - (iv) in paragraph (6)—
    - (aa) for “housing benefit or a social fund payment under the Contributions and Benefits Act, as the case may be,” there were substituted “rate relief”;
    - (bb) after “regulation 11(4)” there were inserted “of the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000”;
- (b) as if in Part I of the Schedule for the title there were substituted “Persons not excluded from rate relief under section 115 of the Immigration and Asylum Act 1999”.