
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 204

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

PART 9

Calculation of weekly amounts and changes of circumstances

Calculation of weekly amount of rate relief

23.—(1) For the purposes of Article 30A of the principal Order the amount of a person's rate relief in any rate relief week shall be calculated by applying the formula ("the rate relief formula")—

$$(M - E) - HB - RR$$

where—

M is the weekly amount of maximum rate relief;

E is 12 per cent of the weekly amount of excess of income;

HB is the weekly amount of housing benefit entitlement;

RR is the weekly amount of rate relief entitlement.

(2) In this regulation—

"applicable amount" means the applicable amount as calculated under Part 5 (applicable amounts);

"excess of income" means the resultant figure after the deduction of a person's income from his applicable amount;

"housing benefit entitlement" means that amount of housing benefit determined in accordance with Part VIII of the Housing Benefit Regulations but only in so far as it relates to a rate rebate, or as the case may be, an amount equivalent to the amount of notional entitlement as calculated under regulation 20 (notional entitlement to housing benefit); arrears of housing benefit shall be disregarded in full for the purposes of these Regulations;

"income" means income as calculated under Part 6 (income and capital);

"maximum rate relief" means the maximum rate relief amount as calculated under regulation 22(1)(e) (maximum rate relief).

(3) Where the result of the rate relief formula is zero or a negative amount there shall be no entitlement to a payment of rate relief.

Modification of Part IX

24. Part IX of the Housing Benefit Regulations (calculation of weekly amounts and changes of circumstances) 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 "dwelling" and "dwellings", wherever they occur, there were substituted "hereditament" and "hereditaments" respectively;

(b) as if for "housing benefit", wherever it occurs, there were substituted "rate relief";

- (c) as if for “benefit week” and “benefit weeks”, wherever they occur, there were substituted “rate relief week” and “rate relief weeks” respectively;
- (d) as if in regulation 74—
 - (i) in paragraph (1)—
 - (aa) for “paragraphs (2) and (3)” there were substituted “paragraph (2)”;
 - (bb) for “that benefit” there were substituted “rate relief”;
 - (ii) paragraph (3) were omitted;
- (e) as if in regulation 77—
 - (i) in paragraph (1)—
 - (aa) after “regulation 31” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
 - (bb) after “Appeals Regulations” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 43”;
 - (cc) after “regulation 78(6)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 24”;
 - (ii) in paragraphs (2) and (3) after “Appeals Regulations” there were inserted “as applied with modifications for the purposes of these Regulations by regulation 43”;
 - (iii) in paragraphs (3) and (4) after “regulation 7(6)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 11”;
 - (iv) in paragraph (5)—
 - (aa) after “regulation 78(6)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 24”;
 - (bb) in sub-paragraph (a)(i) for “rent” there were substituted “rates”;
 - (cc) in sub-paragraph (a)(i) for “78(2)(b) or (c)” there were substituted “78(3) (b) or (c) of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 24”;
 - (v) in paragraph (10) the words from “except in a case” to the end of that paragraph were omitted;
 - (vi) in paragraph (11) after “or (10)” there were inserted of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 11”;
- (f) as if in regulation 78—
 - (i) “rent or”, wherever it occurs, were omitted;
 - (ii) paragraph 2 were omitted;
 - (iii) in paragraph (3)(a) for “paragraph (2)” there were substituted “regulation 78(2) of the Housing Benefit Regulations”;
 - (iv) in paragraph (4)—
 - (aa) in sub-paragraph (a) after “or (3)”;
 - (bb) in sub-paragraph (b) after “or (11)”;
 - (cc) in sub-paragraph (c) after “77(2)” and “77(3)”;

- there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 24”;
- (v) in paragraph (5) after “Parts V to VIII” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulations 17, 19, 21 and 22”;
 - (vi) in paragraph (7) after “Schedule 9” there were inserted “to the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 22”;
 - (vii) in paragraph (9) “(2) or” were omitted;
 - (viii) in paragraph (10)—
 - (aa) for “benefit” there were substituted “rate relief”;
 - (bb) after “regulation 7(6)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 11”;
 - (g) as if in regulation 79—
 - (i) in the heading “Rent and” were omitted;
 - (ii) for “rent-free”, wherever it occurs, there were substituted “rate-free”;
 - (iii) in paragraph (1)—
 - (aa) “to pay rent or” and “made together with rent” were omitted;
 - (bb) after “regulation 8(1)(d)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 11”;
 - (iv) in paragraph (2)—
 - (aa) for “rent” there were substituted “rates”;
 - (bb) after “regulation 78(4)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 24”;
 - (v) in paragraph (3)(a)—
 - (aa) for “78(2)(a)” there were substituted “78(3)(a) of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 24”;
 - (bb) for “rent” there were substituted “rates”;
 - (vi) in paragraph (3)(b)—
 - (aa) for “78(2)(b) or (c)” there were substituted “78(3)(b) or (c) of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 24”;
 - (bb) for “rent” there were substituted “rates”;
 - (vii) in paragraph (4)—
 - (aa) after “or (6)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 24”;
 - (bb) for “rent-free” there were substituted “rate-free”;
 - (cc) “rent or” were omitted.

Date on which entitlement is to commence

25. A person who makes a claim within one month of his receipt of a decision on his claim to housing benefit and he is entitled to rate relief he shall be entitled to that rate relief from the rate relief week corresponding to the benefit week from which he is entitled to housing benefit.