

2020 No. 221

FINANCIAL ASSISTANCE

The Financial Assistance (Coronavirus) Regulations (Northern Ireland) 2020

Made - - - - - *14th October 2020*

Coming into operation - *16th October 2020*

The Department of Finance(a), in exercise of the powers conferred by sections 1(2) and 3 of the Financial Assistance Act (Northern Ireland) 2009(b), makes the following Regulations.

The Department of Finance has been designated as a relevant Department under section 1(3)(a) of that Act.

The Regulations are made with the approval of the Executive Office.

Citation, commencement and interpretation

1. These Regulations may be cited as The Financial Assistance (Coronavirus) Regulations (Northern Ireland) 2020 and come into operation on 16th October 2020.

The Coronavirus Financial Assistance Scheme 2020

2. The Department of Finance makes the Scheme set out in the Schedule.

Sealed with the Official Seal of the Department of Finance on 14th October 2020.

(L.S.)

Alan Brontë
A senior officer of the Department of Finance

Approved by the Executive Office

Sealed with the Official Seal of the Executive Office on 14th October 2020.

(L.S.)

Neill Jackson
A senior officer of the Executive Office

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

(b) 2009 c. 2

SCHEDULE

Regulation 2

The Coronavirus Financial Assistance Scheme 2020

Citation and interpretation

1.—(1) This Scheme may be cited as the Coronavirus Financial Assistance Scheme 2020.

(2) In this Scheme:—

“capital value list” means a “capital value list” as defined by Article 2(2) of the Rates Order;

“Coronavirus Financial Assistance” means financial assistance provided under this Scheme;

“the Coronavirus Regulations” means the Health Protection (Coronavirus, Restrictions) (No.2) Regulations (Northern Ireland) 2020(a);

“the Department” means the Department of Finance;

“designated district” means a “designated district” for the purposes of Schedule 3 to the Coronavirus Regulations;

“district council” means a district council as defined by Article 2(2) of the Rates Order;

“guesthouse” means a guesthouse for the purposes of paragraph 5 of Schedule 3 to the Coronavirus Regulations;

“hereditament” means a hereditament as defined by Article 2(2) of the Rates Order;

“higher rate” will be-

- (a) a single payment of £1,600 for the first 14 day period within a qualifying period;
- (b) a payment of £800 for any 7 day period, within a qualifying period, after the 14 day period referred to in sub-paragraph (a); and
- (c) a single payment of £800 for any period of less than 7 days, within a qualifying period, that may follow a 7 day period referred to in sub-paragraph (b);

“lower rate” will be-

- (a) a single payment of £800 for the first 14 day period within a qualifying period;
- (b) a payment of £400 for any 7 day period, within a qualifying period, after the 14 day period referred to in sub-paragraph (a); and
- (c) a single payment of £400 for any period of less than 7 days, within a qualifying period, that may follow a 7 day period referred to in sub-paragraph (b);

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975(b)

“net annual value” means a net annual value as defined by Article 2(2) of the Rates Order;

“qualifying period” means an “active period” for the purposes of Schedule 3 to the Coronavirus Regulations;

“the Rates Order” means the Rates (Northern Ireland) Order 1977(c);

“restricted hereditament” means a hereditament within which a person deemed eligible under paragraph 3,4 or 5 carries on a business or provides a service which is restricted in accordance with Schedule 3 to the Coronavirus Regulations;

“standard rate” will be-

- (a) a single payment of £1,200 for the first 14 day period within a qualifying period;

(a) S.R. 2020 No 150 as amended by S.R. 2020 Nos. 170, 187, 195, 198, 202, 204, 210 and 213

(b) 1975 c. 26.

(c) S.I. 1977/2157 (N.I. 28)

- (b) a payment of £600 for any 7 day period, within a qualifying period, after the 14 day period referred to in sub-paragraph (a); and
- (c) a single payment of £600 for any period of less than 7 days, within a qualifying period, that may follow a 7 day period referred to in sub-paragraph (b);

“statutory undertaker” means persons authorised by any statutory provision to carry on any railway, road transport, water transport, inland navigation or dock undertaking, or a gas undertaker, an electricity undertaker, a water undertaker or a sewerage undertaker or the airport operator (within the meaning of the Airports (Northern Ireland) Order 1994(a)) of any airport to which Article 25 of that Order applies.

Eligibility

2. No award shall be granted except on an application made to the Department; and any such application shall contain information and be provided in the format that the Department has requested.

3. A person is eligible upon application under paragraph 2 for Coronavirus Financial Assistance at the lower rate if, during the qualifying period, they are -

- (a) the occupier of a restricted hereditament within a designated district whose net annual value does not exceed £15,000;
- (b) the occupier of a part of a restricted hereditament within a designated district; or
- (c) the occupier of a restricted hereditament which is a guesthouse within the capital value list.

4. A person is eligible upon application under paragraph 2 for Coronavirus Financial Assistance at the standard rate if, during the qualifying period, they are the occupier of a restricted hereditament within a designated district whose net annual value exceeds £15,000 but does not exceed £51,000.

5. A person is eligible upon application under paragraph 2 for Coronavirus Financial Assistance at the higher rate if, during the qualifying period, they are the occupier of a restricted hereditament within a designated district whose net annual value exceeds £51,000.

6. Paragraphs 3, 4 and 5 shall not apply where—

- (a) the occupier is a Northern Ireland department or a Minister of the Crown or any officer or body exercising functions on behalf of the Crown;
- (b) the occupier is a body established by or under a statutory provision or by a statutory undertaker;
- (c) the occupier is the Northern Ireland Housing Executive or a housing association registered in the register maintained under Part II of the Housing (Northern Ireland) Order 1992;
- (d) the occupier has failed to comply with a prohibition notice under regulation 7 of The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020(b).

Information

7.—(1) In addition to any application made under paragraph 2, the Department may use information obtained for the purposes of the Rates Order, or provided by a district council for the purposes of these Regulations, in determining whether a person is eligible for Coronavirus Financial Assistance.

(2) The Department may request and obtain information held by a district council for the purposes of determining whether a person is eligible for Coronavirus Financial Assistance.

(a) S.I. 1994/426 (N.I.1)
(b) SR. 2020 No. 55

Award of Coronavirus Financial Assistance

8. Where the Department is satisfied that the person making application under paragraph 2 is eligible for the purposes of paragraph 3, 4, or 5 it shall award Coronavirus Financial Assistance in accordance with this Scheme.

Recovery

9. Any amount of award made in accordance with paragraph 8, and which is subsequently found to have been paid contrary to that paragraph, shall be recoverable by the Department from any person to whom such an award was made.

Review of the scheme

10. The operation of the Coronavirus Financial Assistance scheme as laid out in this Schedule shall be reviewed by the Department 28 days after the coming into operation of these Regulations and every 28 day period thereafter.

11. A review under paragraph 10 shall include an assessment of the ongoing cost of the provision to the Department.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for financial assistance (Coronavirus Financial Assistance) be awarded to occupiers of certain hereditaments affected by specific closures as a result of application of The Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020 as amended.

Regulation 1 provides for citation and commencement.

Regulation 2 provides for the Coronavirus Financial Assistance scheme to be set out in the Schedule.

Schedule

Paragraph 1 provides for interpretation to be applied in respect of the scheme.

Paragraph 2 provides for applications to be made in relation to the scheme.

Paragraphs 3, 4 and 5 provide the eligibility criteria for the scheme.

Paragraph 6 provides for exclusions to be applied within the scheme.

Paragraph 7 provides that the Department may use information gathered for the purposes of the Rates (Northern Ireland) Order 1977, or that may be held by a district council, in administering the award of financial assistance.

Paragraph 8 permits the Department to award financial assistance in accordance with the scheme.

Paragraph 9 makes provision for the Department to recover any amount paid in excess of entitlement under the scheme.

Paragraph 10 and 11 provides for a statutory requirement for a periodic review of the operation of the scheme.

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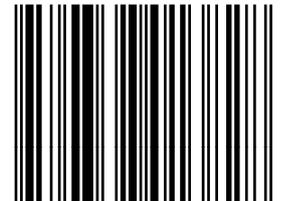
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