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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 203**

**The Rate Relief (Qualifying Age)  
Regulations (Northern Ireland) 2007**

**PART 6**

**Assessment of income and capital**

**Modification of the Act**

**18.** Section 132(1) of the Act shall apply for the purposes of these Regulations as it applies for the purposes of the Housing Benefit (State Pension Credit) Regulations with the following modification as if for “an income-related benefit” there were substituted “rate relief”.

**Modification of Part VI and Schedules 5, 6 and 7**

**19.—**(1) Part VI of the Housing Benefit (State Pension Credit) Regulations (income and capital) shall apply for the purposes of these Regulations as it applies for the purposes of the Housing Benefit (State Pension Credit) Regulations with the following modifications—

- (a) as if after “this Part” wherever it occurs there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (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 except in regulation 46(4)(b) and (c), there were substituted “rate relief week” and “rate relief weeks” respectively;
- (d) as if for “dwelling”, wherever it occurs, there were substituted “hereditament”;
- (e) as if in regulation 21(1) for “section 132(1) of the Act” there were substituted “regulation 18 of these Regulations”;
- (f) as if in regulation 25—
  - (i) for “Department”, wherever it occurs, there were substituted “Department for Social Development”;
  - (ii) in paragraph (4)—
    - (aa) in sub-paragraph (b) after “regulation 28(1)(c)”;
    - (bb) in sub-paragraph (f) after “regulation 22”,  
there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
  - (iii) in paragraph (4)—
    - (aa) in sub-paragraph (d) after “Schedule 5”;
    - (bb) in sub-paragraph (g) after “Schedule 6”;

- there were inserted “to the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (iv) in paragraph (4)(e) after “regulation 19” regulation 16 there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 16”;
- (v) in—
- (aa) paragraph (5) after “to 47”;
- (bb) paragraph (6) after “regulation 41”;
- (cc) in paragraph (7) after “to 47”,
- there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (g) as if in regulation 26—
- (i) after “nor 25”;
- (ii) after “to 47”,
- there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (h) as if in regulation 27—
- (i) in—
- (aa) paragraph (1)(g);
- (bb) paragraph (2),
- after “Schedule 7” there were inserted “to the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (ii) in paragraph (1) after sub-paragraph (h) there were inserted—
- “(w) any payment of rate relief.”;
- (i) as if in regulation 28(1)—
- (i) after “regulations 32, 59 and 60” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulations 19 and 23”;
- (ii) for “section 129(1)(c) of the Act (conditions of entitlement to housing benefit)” there were substituted “regulation 7 of these Regulations (entitlement to rate relief)”;
- (iii) in—
- (aa) sub-paragraph (b) after “regulation 27(2)”;
- (bb) sub-paragraph (c) after “regulation 29”,
- there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (j) as if in regulation 29—
- (i) in paragraph (7)(b) after “regulation 18” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 16”;
- (ii) in paragraph (11)—
- (aa) in sub-paragraph (b)(i) after “Housing Benefit Regulations” there were inserted “as applied with modifications for the purposes of the Rate Relief

- (General) Regulations (Northern Ireland) 2007 by regulation 17 of those Regulations”;
- (bb) in sub-paragraph (e) after “regulation 20(2)” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 17”;
- (k) as if in regulation 31—
- (i) in—
- (aa) paragraph (8) after “Schedule 5”;
- (bb) in paragraph (9) after “Schedule 6”;
- (cc) in paragraph (10) after “Schedule 7”,
- there were inserted “to the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (ii) in paragraph (10) after “regulation 27(2)” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (l) as if in regulation 34—
- (i) in—
- (aa) paragraph (1) after “regulation 28” and “regulation 31(5)”;
- (bb) paragraph (2) after “regulation 31(5)”;
- (cc) paragraph (5) after “regulation 31(2)(b)”,
- there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (ii) in paragraph (1) after “Schedule 5” there were inserted “to the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (m) as if—
- (i) in regulation 37—
- (aa) in paragraph (1) after “regulation 28”;
- (bb) in paragraphs (1)(b)(i), (2)(b) and (8)(a) after “regulation 38”;
- (ii) in regulation 38—
- (aa) in paragraph (1) after “or (8)(a)(i)”;
- (bb) in paragraph (2) after “or (8)(a)(ii)”;
- (cc) in paragraph (3)(a) after “regulation 37”,
- there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (n) as if in regulation 39—
- (i) in paragraph (8) for “that benefit” there were substituted “rate relief”;
- (ii) in paragraph (11) —
- (aa) “(other than housing benefit)” were omitted;
- (bb) in sub-paragraph (a) “rent or, as the case may be,” were omitted and for “regulation 59(2)(b) or (c) or, as the case maybe, (3)(b) or (c)” there were substituted “regulation 59(3)(b) or (c) of the Housing Benefit (State Pension

Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 23”;

- (iii) in paragraph (12) after “regulation 25(1)” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (o) as if for regulation 41 there were substituted—
  - “41.—(1) A person shall not be entitled to rate relief if his capital exceeds the prescribed amount.
  - (2) For the purposes of paragraph (1) the prescribed amount is £16,000.”;
- (p) as if in regulation 42—
  - (i) in paragraph (1) for “Part VII of the Act (income related benefits) as it applies to housing benefit” there were substituted “these Regulations”;
  - (ii) in paragraph (2) after “Schedule 7” there were inserted “to the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (q) as if in regulation 45—
  - (i) in paragraph (1) for “that benefit” there were substituted “rate relief”;
  - (ii) in—
    - (aa) paragraph (1) after “regulation 46”;
    - (bb) paragraph (3) after “regulation 42”,
 there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (r) as if in regulation 46—
  - (i) in paragraphs (1), (2)(b), (4), (6)(a)(i) and (b) and (8) after “regulation 45(1)” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
  - (ii) in paragraph (3) after sub-paragraph (c) for “.” there were substituted “; and” and—
    - “(d) where the claimant has also claimed housing benefit, the amount of housing benefit to which he would have been entitled in respect of the rate relief week to which paragraph (2) refers but for the application of regulation 45(1) of the Housing Benefit (State Pension Credit) Regulations (notional capital) as applied with modifications for the purposes of these Regulations by regulation 19.”;
  - (iii) in paragraph (4)—
    - (aa) in sub-paragraph (a) after “regulation 59(4)(a)” there were inserted “of the Housing Benefit Regulations applied with modifications for the purposes of these Regulations by regulation 23”;
    - (bb) after sub-paragraph (c) for “.” there were substituted “; and” and—
      - “(d) if the claimant would, but for regulation 45(1) of the Housing Benefit (State Pension Credit) Regulations, have been entitled to housing benefit in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount

shall be determined by dividing the amount of the Housing Benefit to which he would have been entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7.”;

- (s) as if in regulation 47(1) after “regulation 45(3)” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”.

(2) Schedule 5 to the Housing Benefit (State Pension Credit) Regulations (sums disregarded in the calculation of earnings) shall apply for the purposes of these Regulations as it applies for the purposes of the Housing Benefit (State Pension Credit) Regulations with the following modifications—

- (a) as if for “housing benefit”, wherever it occurs, there were substituted “rate relief”;
- (b) as if in paragraphs 4(3) and 9(2)(b)(ii)(bb) after “Schedule 4” there were inserted “to the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 17”;
- (c) as if in paragraph 6 after “Schedule 6” there were inserted “to the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (d) as if—
  - (i) in paragraph 8 after “regulation 31(8)(b)”;
  - (ii) in paragraph 9(3)(b) after “regulation 28(1)(c)”,  
there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (e) as if in paragraph 9(4) after “regulation 6” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 3”.

(3) Schedule 6 to the Housing Benefit (State Pension Credit) Regulations (amounts to be disregarded in the calculation of income other than earnings) shall apply for the purposes of these Regulations as it applies for the purposes of the Housing Benefit (State Pension Credit) 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 in paragraph 13(4) after “regulation 53” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 21”;
- (d) as if—
  - (i) in paragraph 22 after “Schedule 5”;
  - (ii) in paragraph 23 after “Schedule 7”;
  - (iii) in paragraph 25 after “Schedule 7”,  
there were inserted “to the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;
- (e) as if in paragraph 25(a) after “regulation 27(6)” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 19”;

(4) Schedule 7 to the Housing Benefit (State Pension Credit) Regulations (capital to be disregarded) shall apply for the purposes of these Regulations as they apply for the purposes of the Housing Benefit (State Pension Credit) Regulations with the following modifications—

- (a) as if for “housing benefit”, wherever it occurs except in paragraph 21(2), there were substituted “rate relief”;
- (b) as if for “dwelling”, wherever it occurs, there were substituted “hereditament”;
- (c) as if in paragraph 21(1)(a), (b) and (c) after “benefit” there were inserted “or rate relief”;
- (d) as if in paragraph 22—
  - (i) after “relevant benefit” there were inserted “or rate relief”;
  - (ii) after “entitled to benefit” there were inserted “or rate relief”;
  - (iii) after “Housing Benefit Regulations” there were inserted “or the Rate Relief (General) Regulations (Northern Ireland) 2007”.

### **Notional entitlement to housing benefit**

**20.** Where a person has not made a claim for housing benefit, the relevant authority shall assess what the amount of his entitlement to housing benefit in the form of a rate rebate (“notional amount”) would be were he to make such a claim and an amount equivalent to that notional amount shall be taken into account in full as housing benefit when assessing entitlement to rate relief in accordance with regulation 22 (calculation of weekly amount of rate relief).