
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 184

The Rate Relief Regulations (Northern Ireland) 2017

PART 9

**Circumstances in which a claimant is or is not to
be treated as occupying a hereditament as his home**

The occupation condition

28.—(1) A claimant is to be treated as occupying as his home the hereditament normally occupied as his home.

(2) Subject to these regulations, no claimant is to be treated as occupying a hereditament which comprises more than one hereditament.

(3) Where the claimant occupies more than one hereditament, regard is to be had to all the circumstances in determining which hereditament the claimant occupies as his home, including (among other things) any person with whom the claimant occupies each dwelling.

(4) Any determination in respect of the claimant's award of universal credit made (whether on the initial decision or as subsequently revised or superseded or further revised or superseded) in accordance with paragraph 1 of Schedule 3 to the Universal Credit Regulations shall be followed for the purpose of this regulation.

Claimant living in another hereditament during essential repairs

29.—(1) Where a claimant—

- (a) is required to move into a hereditament (“the other hereditament”) on account of essential repairs being carried out to the hereditament the claimant normally occupies as his home;
- (b) intends to return to the hereditament which is under repair; and
- (c) is liable for rates in respect of either the other hereditament or the hereditament which he normally occupies as his home (but not both),

the claimant is to be treated as normally occupying as his home the hereditament in respect of which those conditions are met.

(2) A claimant is subject to regulation 29 where—

- (a) paragraph (1)(a) and (b) apply to the claimant; but
- (b) the claimant is liable for rates in respect of both the other hereditament and the hereditament which he normally occupies as his home.

(3) Any determination in respect of the claimant's award of universal credit made (whether on the initial decision or as subsequently revised or superseded or further revised or superseded) in accordance with paragraph 2 of Schedule 3 to the Universal Credit Regulations shall be followed for the purpose of this regulation.

Claimant housed in two dwellings by a provider of social housing

30.—(1) In paragraph (2), “relevant claimant” means a claimant who meets all of the following conditions—

- (a) the first condition is that the claimant has been housed in two dwellings (“hereditament A” and “hereditament B”) by a provider of social housing on account of the number of children and qualifying young persons living with the claimant;
- (b) the second condition is that the claimant normally occupies both hereditament A and hereditament B with children or qualifying young persons for whom the claimant is responsible;
- (c) the third condition is that the claimant is liable for rates in respect of both hereditament A and hereditament B (and for these purposes it is irrelevant whether the claimant’s liability is to the same or a different person).

(2) In the case of a relevant claimant, both hereditament A and hereditament B are to be treated as the single hereditament which the relevant claimant normally occupies as his home.

(3) Any determination in respect of the claimant’s award of universal credit made (whether on the initial decision or as subsequently revised or superseded or further revised or superseded) in accordance with paragraph 3 of Schedule 3 to the Universal Credit Regulations shall be followed for the purposes of this regulation.

(4) In paragraph (1)—

“social housing” means housing provided by—

- (a) the Housing Executive; or
- (b) a registered housing association

“registered housing association” means a housing association which is registered in a register maintained under Article 14 of the Housing (Northern Ireland) Order 1992;

“qualifying young person” means a qualifying young person for the purposes of the Universal Credit Regulations.

Moving home: adaptations to new home for disabled person

31.—(1) Paragraph (2) applies where—

- (a) the claimant has moved into a hereditament (“the new hereditament”) and, immediately before the move, is liable for rates in respect of the new hereditament; and
- (b) there was a delay in moving in that was necessary to enable the new hereditament to be adapted to meet the disablement needs of a family member in receipt of—
 - (i) the care component of disability living allowance at the middle or highest rate,
 - (ii) attendance allowance, or
 - (iii) the daily living component of personal independence payment.

(2) The claimant is to be treated as occupying both the new hereditament and the hereditament from which the move was made (“the old hereditament”) if—

- (a) immediately before the move, the claimant was entitled to rate relief in respect of the old hereditament; and
- (b) the delay in moving into the new hereditament was reasonable.

(3) No claimant may be treated as occupying both the old hereditament and the new hereditament under this regulation for more than one month.

(4) Any determination in respect of the claimant's award of universal credit made (whether on the initial decision or as subsequently revised or superseded or further revised or superseded) in accordance with paragraph 4 of Schedule 3 to the Universal Credit Regulations shall be followed for the purpose of this regulation.

Claimant living in another hereditament because of reasonable fear of violence

32.—(1) This regulation applies where—

- (a) a claimant is occupying a hereditament (“the other hereditament”) other than the hereditament which he normally occupies as his home (“the home hereditament”);
- (b) it is unreasonable to expect the claimant to return to the home hereditament on account of the claimant's reasonable fear of violence in the home, or by a former partner, against the claimant or any family member for whom the claimant is responsible; and
- (c) the claimant intends to return to the home hereditament.

(2) The claimant is to be treated as normally occupying both the home hereditament and the other hereditament as his home if he is liable for rates in respect of both the home hereditament and the other hereditament.

(3) Where the claimant is liable for rates in respect of one hereditament only, he is to be treated as normally occupying that hereditament as his home.

(4) No claimant may be treated as occupying both the home hereditament and the other hereditament under paragraph (2) for more than 12 months.

(5) Any determination in respect of the claimant's award of universal credit made (whether on the initial decision or as subsequently revised or superseded or further revised or superseded) in accordance with paragraph 5 of Schedule 3 to the Universal Credit Regulations shall be followed for the purpose of this regulation.

Moving in delayed by adaptations to a hereditament to meet disablement needs

33.—(1) The claimant is to be treated as having occupied a hereditament before he moved into it where—

- (a) the claimant has since moved in and, immediately before the move, is liable for rates in respect of the hereditament;
- (b) there was a delay in moving in that was necessary to enable the hereditament to be adapted to meet the disablement needs of a family member in receipt of—
 - (i) the care component of disability living allowance at the middle or highest rate,
 - (ii) attendance allowance, or
 - (iii) the daily living component of personal independence payment;
- (c) it was reasonable to delay moving in.

(2) No claimant may be treated as occupying a hereditament under this regulation for more than one month.

(3) Any determination in respect of the claimant's award of universal credit made (whether on the initial decision or as subsequently revised or superseded or further revised or superseded) in accordance with paragraph 6 of Schedule 3 to the Universal Credit Regulations shall be followed for the purpose of this regulation.

Moving into a hereditament following stay in hospital or care home

34.—(1) The claimant is to be treated as having occupied a hereditament before he moved into it where—

- (a) he has since moved in and, immediately before the move was liable for rates in respect of that hereditament; and
- (b) the liability to make the payments arose while he was a patient or accommodated in a care home.

(2) No claimant may be treated as occupying a hereditament under this regulation for more than one month.

(3) Any determination in respect of the claimant’s award of universal credit made (whether on the initial decision or as subsequently revised or superseded or further revised or superseded) in accordance with paragraph 7 of Schedule 3 to the Universal Credit Regulations shall be followed for the purpose of this regulation.

(4) In this paragraph—

“care home” means a residential care home;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution.