
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 184

The Rate Relief Regulations (Northern Ireland) 2017

PART 1

General

Interpretation

2.—(1) In these Regulations—

“the Administration Act” means the Social Security Administration (Northern Ireland) Act 1992(1);

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(2)

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

“the 2003 Order” means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(3)

“the Universal Credit Regulations” means the Universal Credit Regulations (Northern Ireland) 2016(4);

“the Welfare Reform Order” means the Welfare Reform (Northern Ireland) Order 2015(5);

“attribution period” means a period of one month—

(a) initially beginning from and including the date of claim to the day before the corresponding date in the following month or if that date does not exist the closest date before that date had it existed; and

(b) in subsequent months from and including the day following the last day of the previous attribution period to the day before that date in the following month or if that date does not exist the closest date before that date had it existed,

as the case may require;

“claim” means a claim under regulation 3;

“claimant” means a person making a claim under regulation 3 or 4;

“close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

“couple” means—

(a) a man and woman who are married to each other and are members of the same household;

(1) 1992 c. 8

(2) 1992 c. 7

(3) S.I. 2003/431 (N.I. 9)

(4) S.R. 2016 No. 216

(5) S.I. 2015/2006 (N.I. 1)

- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) 2 people of the same sex who are civil partners of each other and are members of the same household; or
- (d) 2 people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of (d), 2 people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead 2 people of the opposite sex;

“Department” means the Department of Finance;

“Department for Communities” has the same meaning as in section 1 of the Departments Act (Northern Ireland) 2016⁽⁶⁾

“dwelling occupied as the home” means the dwelling together with any garage, garden and outbuildings normally occupied by the claimant as his home, including any part thereof not so occupied which it is impracticable or unreasonable to sell separately, together with—

- (a) any agricultural land adjoining that dwelling; and
- (b) any land not adjoining that dwelling which it is impracticable or unreasonable to sell separately;

“electronic communication” has the same meaning given in section 4(1) of the Electronic Communications Act (Northern Ireland) 2001⁽⁷⁾;

“entitled to universal credit” shall include awards that are reduced to nil by the application of the deductions in regulation 10(6)(b) and (c).

“family member” means—

- (a) a couple;
- (b) a couple and a member of the same household who is a close relative;

“housing benefit” means housing benefit under section 129 of the Contributions and Benefits Act⁽⁸⁾ and for the purposes of these regulations any low income rate relief;

“income” shall be construed in accordance with regulation 10(6);

“independent hospital” has the meaning assigned to it by Article 2(2) of the 2003 Order;

“liable for rates” means chargeable to occupied rates in accordance with Part II (Rating) of the 1977 Order as modified by regulation 11 for the purposes of these regulations;

“low income rate relief” means a rate relief in accordance with the Rate Relief (General) Regulations (Northern Ireland) 2007⁽⁹⁾ or the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007⁽¹⁰⁾;

“maximum amount” means the maximum amount applied to the universal credit award in accordance with Article 13(2) of the Welfare Reform Order extant on the relevant date;

“nursing home” has the same meaning as in Article 11 of the 2003 Order;

“official computer system” means a computer system maintained by or on behalf of the Department to—

⁽⁶⁾ 2016 c.5 (N.I.)

⁽⁷⁾ 2001 c.9 (N.I.); the definition of “electronic communications” has been substituted by paragraph 170 of Schedule 17 to the Communications Act 2003 (c.21).

⁽⁸⁾ 1992 c. 7.

⁽⁹⁾ S.R. 2007 No. 204

⁽¹⁰⁾ S.R. 2007 No. 203

(a) send or receive any claim or information; or

(b) process or store any claim or information;

“overpayment” means any payment by way of rate relief to which there is no entitlement under these regulations (whether on initial decision or as subsequently revised or further revised);

“payment” includes crediting an account;

“rate relief” means rate relief in accordance with these regulations except within the term “low income rate relief”;

“relevant authority” means the authority administering rate relief on behalf of the Department in accordance with these regulations;

“relevant date” means, subject to regulation 9—

(a) in the first instance the date of the claim in accordance with regulation 5;

(b) every year thereafter on the anniversary of that date of claim: and

(c) where the date of claim is 29th February, the anniversary dates will be 28th February every year thereafter;

“residential care home” has the same meaning as in Article 10 of the 2003 Order;

“universal credit” means universal credit under Part 2 of The Welfare Reform (Northern Ireland) Order 2015(11);

“universal credit award” shall be construed in accordance with regulation 10(6);

“universal credit information” means the universal credit award, income and maximum amount figures determined in accordance with these regulations.

“writing” includes writing produced as a result of electronic communications used in accordance with the Schedule.

(2) For the purposes of these regulations any apportionment made to any of the figures in the universal credit information in accordance with regulation 24 of the universal credit regulations (apportionment where re-claim is delayed after loss of employment) shall be ignored.

(3) Subject to paragraph (3), the Interpretation Act (Northern Ireland) 1954(12) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly

(4) For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in this period.

(11) S.I. 2015/2006 (N.I. 1)

(12) 1954 c.33 (N.I.)