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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2010 No.**

**The Rates (Deferment) Regulations (Northern Ireland) 2010**

**Interpretation**

**2.—(1) In these Regulations—**

“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<sup>(1)</sup>;

“agreement” means an agreement under regulation 3(1);

“agreement holder”, in relation to an agreement, means the person with whom the Department has entered into the agreement or, in the case of the death of an agreement holder, that person’s personal representatives;

“authorised person” means a person authorised by the Department in writing for the purposes of these Regulations;

“eligible person”, in relation to a qualifying hereditament, has the meaning assigned by regulation 3(2);

“hospital” has the same meaning as in Article 2 of the 2003 Order;

“market value”, in relation to a hereditament, means the amount which that hereditament might reasonably expect to realise if it were sold with vacant possession on the open market by a willing seller free from any mortgage or charge;

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

“qualifying hereditament” means, subject to paragraph (3), a hereditament which is a dwelling-house or, though not a dwelling-house, is used partly for the purposes of a private dwelling; and

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

**(2) For the purposes of Article 29A of the 1977 Order and these Regulations—**

(a) “occupier” has the meaning it has for the purposes of the 1977 Order;

(b) “owner” means any person for the time being receiving or entitled to receive, on his own account, the rack rent of the hereditament in connection with which the word is used or who, if the hereditament were let at a rack rent, would so receive or be entitled to receive that rent;

(c) a person is of pensionable age if he has attained the qualifying age for state pension credit as determined under section 1(2)(b) and (6) of the State Pension Credit Act (Northern Ireland) 2002<sup>(2)</sup>.

**(3) For the purposes of these Regulations a hereditament—**

(a) which is not in use; and

(b) which the Department considers will, when next in use, be used wholly or partly for the purposes of a private dwelling,

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

(2) 2002 c.14 (N.I.)

shall be deemed to be a qualifying hereditament.

(4) In determining whether a person occupies a qualifying hereditament as his only or principal residence for the purposes of these Regulations, regard shall be had to any residence occupied by that person whether or not the residence is in Northern Ireland.