

1978 No. 297

RATES

Rate Rebate (Amendment No. 2) Order (Northern Ireland) 1978

Made 2nd October 1978

Coming into operation 13th November 1978

To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974

The Department of Finance in exercise of the powers conferred on it by Article 28 of the Rates (Northern Ireland) Order 1977(a) and of all other powers enabling it in that behalf, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Rate Rebate (Amendment No. 2) Order (Northern Ireland) 1978 and shall come into operation on 13th November 1978.

(2) In this Order “the Rate Rebate Scheme” means the scheme set out in the Schedule to the Rate Rebate Order (Northern Ireland) 1974(b).

Amendment of needs allowances

2.—(1) For paragraph 5 of the Rate Rebate Scheme there shall be substituted the following paragraph:

“5.—(1) Subject to sub-paragraph (2), the needs allowance for each week is:

(a) for an individual person who has no dependent children £27·25

(b) for a married couple £39·45

(c) for an individual person who has a dependent child or children £39·45

(d) for each dependent child of a residential occupier or his spouse £6·55

(2) The needs allowance for each week is:

(a) for an individual person who has no dependent children and who is registered in pursuance of arrangements made under Articles 4(b) and 15 of the Health and Personal Social Services (Northern Ireland) Order 1972(c) (welfare arrangements for handicapped persons) £30·15

(b) for a married couple, one of whom is so registered £42·35

(c) for an individual person who is so registered and who has a dependent child or children £42·35

(d) for a married couple, both of whom are so registered £44·00”

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

(b) S.R. 1974 No. 65 (I, p. 187) as amended by S.R. 1974 No. 200 (I, p. 885); S.R. 1975 No. 42 (I, p. 193); S.R. 1975 No. 284 (II, p. 1371); S.R. 1976 No. 54 (I, p. 303); S.R. 1976 No. 302 (II, p. 1508); S.R. 1977 No. 281 (II, p. 1537) and S.R. 1978 No. 32

(c) S.I. 1972/1265 (N.I. 14)

(2) The Rate Rebate (Amendment) Order (Northern Ireland) 1977(d) (which substituted the said paragraph 5) is hereby revoked.

Amendment of deductions for non-dependents

3.—(1) For sub-paragraph (1) of paragraph 10 of the Rate Rebate Scheme there shall be substituted the following sub-paragraph:

“10.—(1) The deductions from a rebate in respect of non-dependants are for each week—

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| (a) for each person aged 18 years or more, but under 21 years and neither undergoing full-time instruction at an educational establishment nor in receipt of supplementary benefit | £0.55 |
| (b) for each person aged 21 years or more, but under pensionable age and neither undergoing full-time instruction at an educational establishment nor in receipt of supplementary benefit | £0.80 |
| (c) for each person in receipt of supplementary benefit | £0.35 |
| (d) for each person of pensionable age not in receipt of supplementary benefit, except in the case mentioned in sub-paragraph (1)(e) | £0.35 |
| (e) for a married couple, both of pensionable age and not in receipt of supplementary benefit | £0.35”. |

(2) The Rate Rebate (Amendment No. 2) Order (Northern Ireland) 1976(e) (Article 3 of which substituted the said sub-paragraph (1) of paragraph 10) is hereby revoked.

Amendment of minimum rebate

4. For paragraph 11 of the Rate Rebate Scheme there shall be substituted the following paragraph:

“11. If the amount of a rebate as calculated in accordance with this scheme would be less than 10p it shall not be granted.”

5. For sub-paragraph (7) of paragraph 14 of the Rate Rebate Scheme there shall be substituted the following sub-paragraph:

“(7) In any other case falling within sub-paragraph (1)(b), the Department shall, subject to sub-paragraph (8), pay the amount of the rebate to the applicant at such time and in such manner as it thinks fit but not later than at the end of the period or so soon thereafter as the rebate is granted.”

6.—(1) For paragraph 17 of the Rate Rebate Scheme there shall be substituted the following paragraph:

“17.—(1) Subject to sub-paragraph (2) and without prejudice to sub-paragraph (3), where a rebate is first granted the rebate period shall begin on the first day of the month in which the application for a rebate was received, and shall end, subject to paragraph 18—

- (a) if the residential occupier is of pensionable age, not later than twelve months after that date; and
- (b) if any other case, not later than nine months after that date.

(d) S.R. 1977 No. 281 (II, p. 1537)

(e) S.R. 1976 No. 302 (II, p. 1508)

(2) Without prejudice to sub-paragraph (3), where a person becomes eligible to apply for a rebate under the provisions of this scheme on or after the second day of any month, and submits a first application for rebate before the end of that month, the period of his rebate, if any, shall commence on the date on which he became eligible and shall end, subject to paragraph 18—

(a) if he is of pensionable age, not later than twelve months after the first day of the month in which the application was received; and

(b) in any other case, not later than six months after that date.

(3) Where a rebate is first granted and the application for the rebate is received after the expiration of the month of April in any year the Department may, if in its opinion the circumstances are exceptional, allow the rebate period to begin on 1st April in the year in which the application was received or on such date after 1st April in that year, but before the beginning of the month in which the application was received, as the Department may determine.

(4) In calculating the duration of a rebate period a fractional part of a week shall be treated as one complete week.”

(2) Article 3 of the Rates (Miscellaneous Provisions) Order (Northern Ireland) 1974(f) and Article 5 of the Rate Rebate (Amendment) Order (Northern Ireland) 1975(g) are hereby revoked.

Adjustments to rebate

7. For paragraph 19(2) of the Rate Rebate Scheme there shall be substituted the following paragraph:

“(2) It shall not be the duty of the Department to alter a rebate under paragraph 18 or this paragraph, if the amount of the alteration would be 10p or less.”

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 2nd October 1978.

(L.S.)

E. J. A. Boston

Assistant Secretary

(f) S.R. 1974 No. 200 (I, p. 885)

(g) S.R. 1975 No. 42 (I, p. 193)

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

This Order revises, with effect from 13th November 1978, the scale of needs allowances to be applied in assessing applications for rate rebates and increases the deductions for non-dependent persons in the household. It increases the minimum weekly rebate and also the minimum alteration during a rebate period from 5p to 10p. It increases the maximum rebate period for non-pensioners from six months to nine months. It removes the provision that all rebate periods must end on 31st March and also provides that payment of rebates to tenants of private landlords whose rent includes rates can be made at any time instead of at the expiration of a rebate period.