

1979 No. 358

RATES

Rate Rebate (Amendment) Order (Northern Ireland) 1979

Made 8th October 1979

Coming into operation 12th November 1979

*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) Order (Northern Ireland) 1979 and shall come into operation on 12th November 1979.

(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).

Eligibility

2.—(1) In the Rate Rebate Scheme in paragraph 2(1)(b) for the word “mainly” there shall be substituted the word “partly”.

(2) The following head shall be added at the end of paragraph 2(1) of the Rate Rebate Scheme:

“(d) a person who resides or is usually resident in such premises as are mentioned in sub-paragraph 1(a) and is not the occupier of the hereditament which consists of or includes the premises but—

- (i) pays the rates chargeable in respect of the hereditament for the rebate period concerned; and
- (ii) is the spouse or former spouse of a person who is the occupier of the hereditament but does not reside and is not usually resident there”.

Needs allowances

3.—(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 £31.05
- (b) for a married couple £45.55

(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); S.R. 1978 No. 32; S.R. 1978 No. 297

- (c) for an individual person who has a dependent child or children £45.55
- (d) for each dependent child of a residential occupier or his spouse £7.70
- (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) £34.60
- (b) for a married couple, one of whom is so registered . . . £49.10
- (c) for an individual person who is so registered and who has a dependent child or children £49.10
- (d) for a married couple, both of whom are so registered . . £50.80².

(2) Article 2 of the Rate Rebate (Amendment No. 2) Order 1978(d) (which substituted the said paragraph 5) is hereby revoked.

Income of residential occupier

4.—(1) For head (b) of paragraph 6(2) of the Rate Rebate Scheme as amended by sub-paragraph 1 of Article 3 of the Rate Rebate (Amendment No. 2) Order (Northern Ireland) 1975(e) there shall be substituted the following head:

“(b) the first £5.00 of the earnings of an applicant and in the case of a married couple the first £5.00 of the earnings of the applicant and the applicant’s spouse”.

(2) Sub-paragraph 1 of Article 3 of the Rate Rebate (Amendment No. 2) Order 1975(e) is hereby revoked.

5. Sub-paragraph 4 of paragraph 6 of the Rate Rebate Scheme is hereby revoked.

Deductions for non-dependants

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

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

- (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 £0.65
- (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 £0.95
- (c) for each person in receipt of supplementary benefit . . . £0.40

- (d) for each person of pensionable age not in receipt of supplementary benefit, except in the case mentioned in sub-paragraph (1)(e) £0.40
- (e) for a married couple, both of pensionable age and not in receipt of supplementary benefit £0.40".

(2) Article 3 of The Rate Rebate (Amendment No. 2) Order (Northern Ireland 1978(f)) which substituted the said sub-paragraph (1) of paragraph 10 is hereby revoked.

7. Sub-paragraph 3 of paragraph 10 of the Rate Rebate Scheme is hereby revoked.

Rebate period

8. For sub-paragraph 3 of paragraph 17 of the Rate Rebate Scheme as amended by the Rate Rebate (Amendment No. 2) Order (Northern Ireland) 1978(f) there shall be substituted the following sub-paragraph:

"(4) Where a rebate is first granted the Department may, if in its opinion the circumstances are exceptional, allow the rebate period to begin on the first day of the month twelve months prior to the month in which the application was received or on such later day before the beginning of the month in which the application was received, as the Department may determine".

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 8th October, 1979.

(L.S.)

E. J. A. Boston

Assistant Secretary

EXPLANATORY NOTE

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

This Order revises, with effect from 12th November 1979, the scale of needs allowances to be applied in assessing applications for rate rebates. It increases the deductions for non-dependent persons in the household and removes an exemption from deductions. It permits the Department, in exceptional circumstances, to back-date first applications by up to twelve months.

It provides that uninvested cash is disregarded for rate rebate purposes and that the first £5.00 of earned income of the applicant and also the first £5.00 of earned income of the applicant's spouse are disregarded. It also provides for the granting of rate rebates to the spouse or former spouse of the rated occupier.