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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for rate relief for claimants who have not attained the qualifying age for state pension credit and for those who have attained that age and are receiving, or whose partner is receiving, income support or income-based jobseeker's allowance. In the case of a woman the qualifying age for state pension credit is pensionable age and in the case of a man it is the age which is pensionable age in the case of a woman born on the same day as the man (section 1(6) of the State Pension Credit Act (Northern Ireland) 2002). Provisions relating to those claimants who have attained the qualifying age for state pension credit other than those who are, or whose partner is, receiving income support or income-based jobseeker's allowance are contained in the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007.

These Regulations, in the main, modify the Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405) ("the Housing Benefit Regulations") for the purposes only of rate relief.

Part 1 of the Regulations contains general provisions, modification of regulations 3 to 6 of the Housing Benefit Regulations and arrangements for rate relief.

Part 2 makes provision as to entitlement to and exclusion from rate relief. It contains modifications which makes provision in relation to the circumstances in which a person is or is not to be treated as occupying a hereditament as his home and is or is not to be treated as liable to make payments for a hereditament. It also contains modifications of Part II of the Housing Benefit Regulations, the Immigration and Asylum Act 1999 (1999 c. 33) and the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000 (S.R. 2000 No. 71).

Part 3 modifies Part III of the Housing Benefit Regulations to specify those payments by way of rates which are to be eligible for the payment of rate relief.

Part 4 modifies sections 133(1) and 138 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (1992 c. 7) ("the Act") and Part IV of the Housing Benefit Regulations to specify the circumstances in which a person is or is not to be treated as responsible for another person and who is to be treated as a member of the same household as a claimant for rate relief.

Part 5 modifies Part V of and Schedule 4 to the Housing Benefit Regulations to provide for the calculation of the applicable amount in respect of a person's entitlement to rate relief, by reference to which the amount of his relief is calculated. Provision is made with respect to polygamous marriages.

Part 6 modifies section 132(1) of the Act and Part VI of and Schedules 5, 6 and 7 to the Housing Benefit Regulations to provide for the calculation of the income and capital of a claimant for rate relief, the earnings of employed and self-employed earners and the treatment of income other than earnings including notional income. It also provides for the calculation of a notional amount of housing benefit where a person has not claimed that benefit. Calculation of capital is also dealt with.

Part 7 modifies Part VII of the Housing Benefit Regulations to provide for the treatment of students, their entitlement to rate relief and the calculation of their income.

Part 8 modifies Part VIII of and Schedules 8 and 9 to the Housing Benefit Regulations to provide for the maximum amount of rate relief payable, extended payments and non-dependant deductions.

Part 9 modifies Part IX of the Housing Benefit Regulations. It provides, by the use of a formula, for the calculation of the weekly amount of rate relief and contains provisions as to when rate relief is to begin, together with provisions relating to change of circumstances and the date those changes take effect.

**Changes to legislation:** *There are currently no known outstanding effects for the The Rate Relief (General) Regulations (Northern Ireland) 2007. (See end of Document for details)*

Part 10 modifies Part X of the Housing Benefit Regulations to provide for the making, amendment and withdrawal of claims, the evidence and information required in connection with claims and the duty to notify changes of circumstances. It also provides for the treatment of claims made prior to 1 April 2007 and for payment of rate relief to be dependent on a claim being made.

Part 11 modifies Part XI of the Housing Benefit Regulations to provide for the determination of questions arising on claims and the notification of decisions by authorities.

Part 12 modifies Part XII of the Housing Benefit Regulations to provide for the payment of rate relief, including to whom payments are to be made and the withholding of rate relief.

Part 13 modifies section 73(1), (2), (3)(a) and (b) and (7) of the Social Security Administration (Northern Ireland) Act 1992 (1992 c. 8) and Part XIII of the Housing Benefit Regulations to provide for the recovery of overpaid rate relief, what constitutes a recoverable overpayment and the method of recovery. It also provides for sums recovered to be paid into the Consolidated Fund of Northern Ireland.

Part 14 provides for the supply, sharing and unauthorised disclosure of information which relates to any matter relating to rate relief for fraud prevention and verification.

Part 15 provides the appeals procedure for rate relief. It modifies Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (2000 c. 4 (N.I.)), Chapters II to V of Part V of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 162), the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 225) and the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 213) for the purposes of these Regulations.

Part 16 contains provisions relating to enforcement purposes in relation to matters connected with rate relief, including authorisations, the provision of information, delay or obstruction of inspectors, false representations, breach of regulations, penalties as alternatives to prosecution, notices and legal proceedings.

Part 17 contains provisions relating to finance, persons to report on administration and their powers of investigation, reports about the Northern Ireland Housing Executive (“the Executive”), directions by the Department of Finance and Personnel (“the Department”), information about, notice on and the making of a determination on the attainment of standards attained by the Executive and the role of auditors of the Northern Ireland Audit Office in relation to rate relief.

Part 18 contains provisions relating to payment of travelling expenses by the Department.

**Changes to legislation:**

There are currently no known outstanding effects for the The Rate Relief (General) Regulations (Northern Ireland) 2007.