

STATUTORY RULES OF NORTHERN IRELAND

2017 No. 184

The Rate Relief Regulations (Northern Ireland) 2017

PART 4 N.I.

Revisions

Revisions N.I.

13.—(1) Subject to the provisions in this regulation, a relevant decision may be revised or further revised by the relevant authority which made the decision where—

- (a) that decision arose from an official error;
- (b) the decision was made in ignorance of, or was based upon a mistake as to, some material fact;

[^{F1}(c) liability for eligible rates ends;]

[^{F2}(d) entitlement to universal credit—

- (i) ends;
- (ii) would have ended if any transitional element provided for in regulations 53 to 58, and 64 of and schedule 2 to the Universal Credit (Transitional Provisions) Regulations was not included, or
- (iii) is treated as ending in accordance with regulation 5(11A);]

- (e) entitlement to housing benefit commences except where regulation 10(2) applies;
- (f) there is a change to the amount of the eligible rates, as prescribed in regulation 11 for which the claimant is liable;
- (g) there is a change or cessation of occupation in the dwelling the claimant occupies or is treated as occupying as his home in accordance with Part 9 of these regulations; or
- (h) on the next relevant date following an award of rate relief, the claimant has [^{F3}earned income or had earned income at the last relevant date].

[^{F4}(i) regulation 10(7)(i)(aa) or (bb) and (8) apply in accordance with the requirement in regulation 14 (7A) to provide appropriate evidence]

[^{F5}(1A) Where paragraph (1)(c),(d) or (e) applies the award of rate relief will end on the effective date of the decision as determined by regulation 14.]

(2) Subject to paragraph (3) where a decision revised in accordance with paragraph (1) does not end entitlement, entitlement shall be re-determined [^{F6}in accordance with regulation 10] using the relevant universal credit information in place at the last relevant date.

(3) Where the effective date of the revision in accordance with regulation 14 is the same as the relevant date, the universal credit information applicable at that date shall be applied.

(4) In this regulation “official error” means an error made by—

- (a) a relevant authority or a person—

- (i) authorised to carry out any function of a relevant authority relating to rate relief, or
- (ii) providing services relating to rate relief directly or indirectly to a relevant authority;
- (b) an officer of—
 - (i) the Department;
 - (ii) the Department for Communities; or
- (c) the Commissioners of Inland Revenue, or
- (d) a person employed by someone acting on behalf of a person or body referred to in sub-paragraphs (b) and (c),

but excludes any error caused wholly or partly by any person or body not specified in sub-paragraphs (a) to (c) and any error of law which is shown to have been an error only by virtue of a subsequent decision of a court.

Textual Amendments

- F1** Reg. 13(1)(c) substituted (1.4.2023) by The Rate Relief (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/39), regs. 1, **2(6)(a)**
- F2** Reg. 13(1)(d) substituted (1.4.2023) by The Rate Relief (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/39), regs. 1, **2(6)(b)**
- F3** Words in reg. 13(1)(h) substituted (4.1.2021) by The Rate Relief (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/308), regs. 1, **2(3)(a)**
- F4** Reg. 13(1)(i) inserted (4.1.2021) by The Rate Relief (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/308), regs. 1, **2(3)(b)**
- F5** Reg. 13(1A) inserted (1.4.2023) by The Rate Relief (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/39), regs. 1, **2(6)(c)**
- F6** Words in reg. 13(2) inserted (1.4.2023) by The Rate Relief (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/39), regs. 1, **2(6)(d)**

Date from which a revision takes effect **N.I.**

14.—(1) Where the relevant authority decides that the date from which a relevant decision took effect was erroneous, the revised decision shall take effect from the date the original decision should have taken effect had the error not occurred and may be further revised in accordance with this regulation.

(2) A decision made by virtue of regulation 13(1)(a) ^{F7}... shall have the same effective date as the decision being so revised.

^{F8}(3) The effective date of a decision made in accordance with regulation 13(1)(b)—

- (a) which is more advantageous to the person affected than it would otherwise have been but for that ignorance or mistake shall be:—
 - (i) where the relevant authority is notified by the claimant of that ignorance or mistake, with such appropriate evidence as it requires, within 3 months of the date the decision to be revised was issued, the same effective date as the decision being so revised; or
 - (ii) where within 3 months of the date the decision to be revised was issued, the relevant authority has information or appropriate evidence which is sufficient to show that the original decision was made in ignorance of, or was based upon a mistake as to some material fact, the same effective date as the decision being so revised; or
 - (iii) where sub-paragraphs (a)(i) and (ii) do not apply, the date the relevant authority receives such appropriate evidence as it requires; or

- (b) in any case where sub-paragraph (a) does not apply, it shall be revised from the same effective date as the decision being so revised.]
- (4) A decision made by virtue of regulation 13(1)(d) shall have effect from the day after the last day of that entitlement to universal credit;
- (5) Subject to paragraphs (6) and (9) a decision made by virtue of [^{F9}regulation 13(1)(c), (e)], (f) and (g) shall have effect from the day the change occurs.
- (6) For the purposes of this regulation, where a change referred to in regulation 13(1)(f) and (g) occurs and the revising decision is more advantageous to the claimant—
- (i) but is notified by the claimant more than 3 months from when it occurs the date of notification of the change of circumstances shall be treated as the date on which the change of circumstances occurred;
- (ii) but the change is not notified by the claimant the change of circumstances shall be treated as occurring on the date on which the relevant authority first had sufficient information to complete the revision.
- (7) A decision made in accordance with regulation 13(1)(h) shall take effect from the same date in the following month or if that date does not exist the closest date before that date had it existed.
- [^{F10}(7A) Where a decision is made in accordance with regulation 13(1)(i) and the effective date of the decision to be revised occurs in the period between 28th March 2020 and 4th January 2021 and the relevant authority is notified with the appropriate evidence as required in regulation 10(8) —
- (a) before 4th April 2021, it shall have the same effective date as the decision being so revised;
- (b) where sub-paragraph (a) does not apply, the effective date will be the date the relevant authority receives the appropriate evidence.]
- (8) The amount of rate relief payable within an attribution period as a result of this regulation will be calculated in accordance with regulation 16.
- (9) In this regulation where there is a change in valuation of the dwelling occupied as the home in accordance with Part 3 of the 1977 Order and the relevant authority is made aware of the change within 3 months of it occurring the change shall take effect from the date the new valuation applies from.
- (10) Where in consequence of this regulation an award of rate relief is to be revised the entitlement in any attribution period will be calculated in accordance with regulation 16.

Textual Amendments

- F7** Words in reg. 14(2) omitted (1.4.2023) by virtue of [The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/39\)](#), regs. 1, **2(7)(a)**
- F8** Reg. 14(3) substituted (4.1.2021) by [The Rate Relief \(Coronavirus\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/308\)](#), regs. 1, **2(4)(a)**
- F9** Words in reg. 14(5) substituted (1.4.2023) by [The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/39\)](#), regs. 1, **2(7)(b)**
- F10** Reg. 14(7A) inserted (4.1.2021) by [The Rate Relief \(Coronavirus\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/308\)](#), regs. 1, **2(4)(b)**

Duty to notify changes of circumstances **N.I.**

15.—(1) Subject to paragraph (3), if at any time between the making of a claim and a decision being made on it, or during an award of rate relief, there is a change of circumstances which the claimant, or any person by whom or on whose behalf sums payable by way of rate relief are receivable, might reasonably be expected to know might affect the claimant's right to—

- (a) the amount of rate relief; or
- (b) the receipt of rate relief,

that person shall be under a duty to notify that change of circumstances by giving notice to the relevant authority.

- (2) Subject to paragraph (3) the changes referred to in paragraph (1) shall include—
 - (a) the cessation of entitlement to universal credit;
 - (b) the suspension of payment of universal credit;
 - (c) an award of housing benefit;
 - (d) absence from a dwelling that lasts or is likely to last more than 13 weeks;
 - (e) a change in the amount of rates the claimant is liable to pay to his landlord;
 - (f) a change in the number of people living in the property, excluding dependent children;
 - (g) starting work.
- (3) The duty imposed on a person by paragraph (1) does not extend to changes—
 - (a) referred to in paragraph (2)(e) that are solely generated by the Department;
 - (b) these regulations.
- (4) For the purposes of this regulation “notice” means—
 - (a) by electronic communication in accordance with the Schedule; or
 - (b) by telephone call to the telephone number specified by the relevant authority if the claim falls within a class of case for which the relevant authority accepts notifications of changes of circumstances by telephone or where, in any other case, the relevant authority is willing to do so.

Calculation of entitlement in attribution period where a revision occurs **N.I.**

- 16.**—(1) Where a decision is to be revised in accordance with regulation 13 within an attribution period, the amount of rate relief payable for that attribution period shall be calculated by—
- (a) determining the monthly entitlement in accordance with regulation 10 based on each different set of circumstances;
 - (b) dividing that monthly entitlement by the number of days in that attribution period;
 - (c) multiplying that by the number of days to which those circumstances within that attribution period apply; and
 - (d) adding each of the figures so determined to establish the amount of entitlement for that attribution period.
- (2) Where the revision results in cessation of rate relief, the award shall cease on the effective date of the revision.

Changes to legislation:

There are currently no known outstanding effects for the The Rate Relief Regulations (Northern Ireland) 2017, PART 4.