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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 184**

**The Rate Relief Regulations (Northern Ireland) 2017**

**PART 3**

Entitlement

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**10.**—(1) Subject to the provisions of these regulations, a person is entitled to rate relief if at the relevant date—

- (a) he is liable for rates in respect of a dwelling in Northern Ireland which he occupies as his home and remains so liable;
- (b) he has eligible rates calculated in accordance with regulation 11;
- (c) subject to [<sup>F1</sup>paragraphs (2) and (2A)] he is not entitled to housing benefit;
- (d) he is entitled to universal credit; and
- (e) either, for the attribution period—
  - (i) his income does not exceed the maximum amount; or
  - (ii) his income exceeds that amount, but only by so much that there is an amount remaining if the deduction for which paragraph (3)(b) provides is made.

(2) Where Part 10 of these regulations applies and entitlement to housing benefit is only by virtue of regulation 3(2)(a) of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 <sup>M1</sup> (housing benefit in respect of specified accommodation [<sup>F2</sup>or temporary accommodation] ) then if the claimant is otherwise entitled to rate relief he shall be entitled to rate relief for the other dwelling occupied as his home as if the claimant was not in such specified accommodation [<sup>F2</sup>or temporary accommodation] , or entitled to housing benefit in respect of it, for the purposes of those regulations.

[<sup>F3</sup>(2A) Where regulation 6(2A) of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 applies, rate relief shall be calculated as if the award of housing benefit in the form of a rent rebate or allowance terminated at the same time as housing benefit in the form of a rate rebate for the same property in accordance with regulation 6(2) of those regulations.]

(3) Where a person is entitled to rate relief, then—

- (a) if his income does not exceed the maximum amount, the amount of the rate relief shall be the amount which is the appropriate eligible rates in his case; and
- (b) if his income exceeds the maximum amount, the amount of the rate relief shall be what remains after the deduction from the appropriate eligible rates of 15 per cent, of the excess of his income over the maximum amount.

(4) Where the relevant authority receives information from the Department for Communities that information shall be accepted without seeking verification from other sources.

(5) Notwithstanding paragraph (4) a relevant authority may delay making a decision in relation to rate relief if an issue arises as to whether the universal credit information is correct [<sup>F4</sup>pending confirmation from the Department for Communities] .

(6) For the purposes of this regulation “universal credit award” shall include payments on account made to the claimant in accordance with Part 2 of the Social Security (Payments on Account of Benefit) Regulations (Northern Ireland) 2016 <sup>M2</sup> as if universal credit was awarded without the application of that Part and—

- (a) shall exclude any payment made under—
  - (i) Part 3 of the Social Security (Payments on Account of Benefit) Regulations (Northern Ireland) 2016 (budgeting advances);
  - (ii) the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (transitional protection);
  - (iii) Part 8, Chapter 3 of the Universal Credit Regulations (hardship payment);
  - (iv) payments made in accordance with Article 137 of the Welfare Reform Order (payments to persons suffering financial disadvantage);
- (b) where deductions are made in accordance with—
  - (i) Part 8, Chapter 2 of the Universal Credit Regulations (sanctions);
  - (ii) Part 5 of the Social Security (Overpayments and Recovery) Regulations (Northern Ireland) 2016 <sup>M3</sup> (recovery of overpayments);
  - (iii) The Social Security (Payments on Account, Overpayments and Recovery) Regulations (Northern Ireland) 1988 <sup>M4</sup>;
  - (iv) regulation 8 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (treatment of overpayments);
  - (v) section 69ZH of the Administration Act (recovery of hardship payments);
  - (vi) regulation 55, of and Schedules 5 and 6 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 <sup>M5</sup> (deduction from benefit and direct payment to third parties and in respect of child support maintenance and payment to persons with care);
  - (vii) the Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002 <sup>M6</sup>;
  - (viii) the Social Security (Payments on Account of Benefit) Regulations (Northern Ireland) 2016 (recovery of payments) <sup>M7</sup>,
 the award shall be as if these deductions had not been made; and
- (c) where deductions are made in accordance with Article 101 of the Welfare Reform Order (the benefit cap) the award shall be the award after this deduction has been made.

[<sup>F5</sup>(7) Subject to paragraph (8) for the purposes of this regulation “income” means—

- (a) income as assessed for universal credit in accordance with Part 6, Chapters 2 and 3 of the Universal Credit Regulations as adjusted by regulation 29(7) of those Regulations, that was applied to the universal credit award extant on the relevant date with the following modifications—
  - (i) income from earnings shall be adjusted to the net earnings as assessed for universal credit in accordance with Part 6, Chapter 2 of the Universal Credit Regulations less—
    - (aa) any payment in lieu of holiday pay where holidays are not taken;
    - (bb) any payment in lieu of notice where notice has not been worked; and

(cc) half of the universal credit work allowance determined in accordance with regulation 23(2) of the Universal Credit Regulations;

(ii) where the total amount to be deducted in accordance with sub paragraph (a)(i)(aa) to (cc) exceeds the amount of net earnings only the amount equivalent to the net earnings shall be deducted;

plus

(b) the amount of the universal credit award in accordance with paragraph (6) at the relevant date.

(8) Paragraph (7)(a)(i)(aa) and (bb) shall only apply where the claimant provides such appropriate evidence as the relevant authority may require.]

#### **Textual Amendments**

- F1** Words in reg. 10(1)(c) substituted (8.5.2018) by [The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/109\)](#), regs. 1, **2(5)(a)**
- F2** Words in reg. 10(2) inserted (8.5.2018) by [The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/109\)](#), regs. 1, **2(5)(b)**
- F3** Reg. 10(2A) inserted (8.5.2018) by [The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/109\)](#), regs. 1, **2(5)(c)**
- F4** Words in reg. 10(5) inserted (8.5.2018) by [The Rate Relief \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/109\)](#), regs. 1, **2(5)(d)**
- F5** Reg. 10(7)(8) substituted for reg. 10(7) (4.1.2021) by [The Rate Relief \(Coronavirus\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/308\)](#), regs. 1, **2(2)**

#### **Marginal Citations**

- M1** S.R. 2016 No. 226
- M2** S.R. 2016 No. 223
- M3** S.R. 2016 No. 224
- M4** S.R. 1988 No. 142
- M5** S.R. 2016 No. 220
- M6** S.R. 2002 No. 79
- M7** S.R. 2016 No. 223

**Status:**

Point in time view as at 04/01/2021. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Rate Relief Regulations (Northern Ireland) 2017, Section 10.