

EXPLANATORY MEMORANDUM TO

The Rate Relief (Qualifying Age) (Amendment) Regulations (Northern Ireland) 2022

SR 2022 No. 92

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Finance ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 30A of the Rates (Northern Ireland) Order 1977 (S.I. 1977/2157 (N.I. 28) and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of this statutory rule is to realign the cross references in the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007 with the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006. This realignment ensures that the 10% increase for couples added to the personal allowance provided in Housing Benefit for the separate Rate Relief scheme is applied to all couples.

3. Background

- 3.1. The Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007 provide for a Rate Relief scheme; the scheme is based on Housing Benefit rules and operates by making modifications to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006.
- 3.2. One of the modifications provides a 15% uplift of the personal allowance amount for single claimants and a 10% uplift for couples.
- 3.3. The personal allowance rates for people receiving pension age Housing Benefit were based on the Standard Minimum Guarantee (in Pension Credit) plus the maximum amount of Savings Credit.
- 3.4. When the new State Pension was introduced from 6th April 2016, the Savings Credit element of Pension Credit was abolished but it was decided to retain the higher personal allowances associated with the Savings Credit in Housing Benefit for a further five years. Consequently from 1st April 2021 the savings credit uplift for those who attain pensionable age on or after 1st April 2021 was removed.

- 3.5. The new personal allowance rates apply to single people and couples where both reach State Pension age on or after 1st April 2021. It does not affect couples where one member reached State Pension age before 1st April 2021 and the other member reaches State Pension age after that date.
- 3.6. The amendment to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 resulted in a new sub-paragraph which refers to couples where the claimant is a member of a polygamous marriage and all members of the marriage have attained pensionable age on or after 1st April 2021. As this is not currently cross referenced in the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007, the current amendment is required to realign the two statutory rules.
- 3.7. The changes to Housing Benefit do not affect the Rate Relief policy i.e. the 15% uplift for single claimants and 10% for couples.

4. Consultation

- 4.1. No consultation was deemed necessary in respect of this Statutory Rule. The amending regulations simply update cross references with the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006. These regulations are consequential to the change to the Housing Benefit rules which did not require consultation.

5. Equality Impact

- 5.1. The Department considers that there is no disproportionate impact on any of the section 75 subgroups. This is a consequential amendment following a change to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 for which it was determined that an equality impact assessment was not necessary.

6. Regulatory Impact

- 6.1. No Regulatory Impact Assessment was carried out. There is no policy change, this is a consequential amendment to realign cross references.

7. Financial Implications

- 7.1. There are none directly associated with this amendment.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. This is a consequential amendment to realign cross references and there are no section 24 implications.

9. Parity or Replicatory Measure

9.1. Not applicable. There is no corresponding Great Britain legislation.

10. Additional Information

10.1. Not applicable.