

2009 No. 339

RATES

**The Rate Relief (Amendment) Regulations (Northern Ireland)
2009**

Made - - - - - *6th October 2009*

Coming into operation - *9th November 2009*

The Department of Finance and Personnel, in exercise of the powers conferred by Article 30A of the Rates (Northern Ireland) Order 1977^(a), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Rate Relief (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 9th November 2009.

Amendment of the Rate Relief (General) Regulations (Northern Ireland) 2007

2.—(1) The Rate Relief (General) Regulations (Northern Ireland) 2007^(b) shall be amended in accordance with paragraphs (2) to (12).

(2) In regulation 2(1) (interpretation)—

(a) before sub-paragraph (a) insert—

“(za) as if the definition of “amended determination” were omitted;”;

(b) after sub-paragraph (c) insert—

“(ca) as if the definition of “broad rental market area” were omitted;

(cb) as if the definition of “broad rental market area determination” were omitted;

(cc) as if the definition of “change of dwelling” were omitted;”;

(c) after sub-paragraph (l) insert—

“(la) as if the definition of “the Executive Determinations Regulations” were omitted;”;

(d) after sub-paragraph (m) insert—

“(ma) as if for the definition of “extended payment period” there were substituted—

““extended payment period” means the period for which an extended payment is payable in accordance with regulation 70A or 71A of the Housing Benefit Regulations as applied with modifications for the purpose of these Regulations by regulation 22;”;

(e) in paragraph (n) substitute “(severe disablement allowance and incapacity benefit)”, wherever it occurs, with “(qualifying contributory benefits)”;

^(a) S.I. 1977/2157 (N.I. 28); Article 30A was inserted by Article 14 of S.I. 2006/2954 (N.I. 18)

^(b) S.R. 2007 No. 204

- (f) after sub-paragraph (o) insert—
 - “(oa) as if the definition of “linked person” were omitted;
 - “(ob) as if the definition of “local housing allowance” were omitted;”;
 - (g) after sub-paragraph (p) insert—
 - “(pa) as if the definition of “maximum rent (LHA)” were omitted;”;
 - (h) after sub-paragraph (v) insert—
 - “(va) as if the definition of “reckonable rent” were omitted;
 - “(vb) as if the definition of “registered housing association” were omitted;”;
 - (i) after sub-paragraph (w) insert—
 - “(wa) as if the definition of “relevant information” were omitted;”;
 - (j) after sub-paragraph (y) insert—
 - “(ya) as if the definition of “single room rent” were omitted;”.
- (3) For regulation 3(a)(iv)(aa) substitute—
- “(aa) for “, regulations 9 and 14(6)(c) and the definition of “linked person” in regulation 2(1)” there were substituted “and regulation 9 of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 11”;”.
- (4) For regulation 11(1)(f) substitute—
- “(f) as if in regulation 9—
 - (i) paragraph (1)(h) were omitted;
 - (ii) in paragraph (1)(l) for “Part VII of the Act” there were substituted “Article 30A of the principal Order”;”.
- (5) After regulation 14(d)(i)(bb) insert—
- “(cc) sub-paragraph (b) were omitted;”.
- (6) In regulation 22(1)—
- (a) for sub-paragraph (g) substitute—
 - “(g) as if in regulation 70A(3)(b) “rent or” were omitted;”;
 - (b) after sub-paragraph (g) insert—
 - “(ga) as if in regulation 70B—
 - (i) in paragraph (1)(b) and (c) after “70”, there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 22”;
 - (ii) in paragraph (2) “rent and”, wherever it occurs, were omitted;
 - (iii) in paragraph (3)(a) after “70(3)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 22”;
 - (iv) in paragraph (3)(b) “rent or” were omitted and after “78(4)(c)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 24”;
 - (v) in paragraph (4)(a) after “7(6)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 11”;
 - (vi) in paragraph (4)(b) “rent or” were omitted;
 - (vii) in paragraph (5) “rent and” were omitted and after “79(1)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 24”;

- (gb) as if in regulation 70C(1) after “70(1)(b)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 22”;
- (gc) as if in regulation 70C(2) after “70B(1)(a)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 22”;
- (c) for sub-paragraph (h) substitute—
 - “(h) as if in regulation 71A(3)(b) “rent or” were omitted”;
- (d) after sub-paragraph (h) insert—
 - “(ha) as if in regulation 71B—
 - (i) in paragraph (1)(b) and (c) after “71”, there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 22”;
 - (ii) in paragraph (2) “rent and”, wherever it occurs, were omitted;
 - (iii) in paragraph (3)(a) after “71(2)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 22”;
 - (iv) in paragraph (3)(b) “rent or” were omitted and after “78(4)(c)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 24”;
 - (v) in paragraph (4)(a) after “7(6)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 11”;
 - (vi) in paragraph (4)(b) “rent or” were omitted;
 - (vii) in paragraph (5) “rent and” were omitted and after “79(1)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 24”;
 - (hb) as if in regulation 71C(2) after “71B(1)(a)” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 22”;
- (7) In regulation 26(1)—
 - (a) for sub-paragraph (d) substitute—
 - “(d) as if in regulation 81—
 - (i) in paragraphs (4AA) to (4E) for “the Department” there were substituted “the Department for Social Development”;
 - (ii) in paragraphs (4BA) and (4C) “or the Department” were omitted;
 - (iii) in paragraph (10) for “award benefit” there were substituted “award rate relief”;
 - (b) for sub-paragraph (g)(i) substitute—
 - “(i) in regulation 83(2) and (5) after “regulation 81”;
- (8) In regulation 30(2)(d) before head (i) insert—
 - “(zi) after “70” and “71” there were inserted “of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 22”;
- (9) After regulation 31(g)(ii) insert—
 - “(iia) as if paragraph (2A) were omitted”;
- (10) In regulation 33—
 - (a) after sub-paragraph (f)(ii) insert—

- “(iia) as if paragraph (2A) were omitted;”;
- (b) for sub-paragraph (f)(iii) substitute—
 - “(iii) as if for paragraph (3) there were substituted—
 - “(3) For the purposes of paragraph (1) “landlord” shall have the same meaning as it has for the purposes of regulation 92 of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 31.”;”;
- (11) after sub-paragraph (g)(i) insert—
 - “(ia) in paragraph (1A) there were omitted “or where it is unable to do so, may request the Department to recover any recoverable overpayment from the benefits prescribed in regulation 102(2A),”;
- (12) In regulation 43—
 - (a) in paragraph (g)(ii) omit “and 7(2)(h)(ii)”;
 - (b) after paragraph (h)(ii) insert—
 - “(iia) in paragraph (2)(h)(ii) after “relevant benefit” there were inserted “or housing benefit”;
 - (c) after paragraph (h) insert—
 - “(ha) as if in regulation 7A paragraphs (1) to (3) were omitted;”;
 - (d) in paragraph (n)(i)(aa) for “regulation 15 (decisions),” substitute “regulations 14C(5)(e) (board and attendance) and 15 (decisions),”;
 - (e) for paragraph (n)(ii) substitute—
 - “(ii) paragraphs 1A, 5 and 6 were omitted;”.

Amendment of the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007

3.—(1) The Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007(a) shall be amended in accordance with paragraphs (2) to (10).

- (2) In regulation 2(1) (interpretation)—
 - (a) before sub-paragraph (a) insert—
 - “(za) as if the reference to “amended determination” were omitted;”;
 - (b) after sub-paragraph (c) insert—
 - “(ca) as if the reference to “broad rental market area” were omitted;
 - (cb) as if the reference to “broad rental market area determination” were omitted;
 - (cc) as if the reference to “change of dwelling” were omitted;”;
 - (c) after sub-paragraph (k) insert—
 - “(ka) as if the reference to “the Executive Determinations Regulations” were omitted;”;
 - (d) for sub-paragraph (l) substitute—
 - “(l) as if for the definition of “extended payment” there were substituted—
 - ““extended payment (qualifying contributory benefits)” means a payment of rate relief payable pursuant to regulation 51 of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these regulations by regulation 21 or regulation 71 of the Housing Benefit Regulations (extended payments (qualifying contributory benefits)) as applied with modifications for the purposes of the Rate Relief (General) Regulations (Northern Ireland) 2007 by regulation 22 of those Regulations;”;
 - (e) after sub-paragraph (l) insert—

(a) S.R. 2007 No. 203 as amended by S.R. 2007 No. 244 and S.R. 2008 No. 68

- “(la) as if for the definition of “extended payment period” there were substituted—
- ““extended payment period” means the period for which an extended payment is payable in accordance with regulation 51A of Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these regulations by regulation 21 or regulation 70A (duration of extended payment period) or 71A (duration of extended payment period (qualifying contributory benefits)) of the Housing Benefit Regulations as applied with modifications for the purposes of the Rate Relief (General) Regulations (Northern Ireland) 2007 by regulation 22 of those Regulations;”;
- (f) after sub-paragraph (m) insert—
- “(ma) as if the reference to “linked person” were omitted;
- “(mb) as if the reference to “local housing allowance” were omitted;”;
- (g) after sub-paragraph (n) insert—
- “(na) as if the reference to “maximum rent (LHA)” were omitted;”;
- (h) after sub-paragraph (s) insert—
- “(sa) as if the reference to “reckonable rent” were omitted;
- “(sb) as if the reference to “registered housing association” were omitted;”;
- (i) after sub-paragraph (t) insert—
- “(ta) as if the reference to “relevant information” were omitted;”.
- (3) For regulation 3(a)(iv)(aa) substitute—
- “(aa) for “and regulation 9 and the definition of “linked person” in regulation 2(1)” there were substituted “and regulation 9 of the Housing Benefit Regulations as applied with modifications for the purposes of these Regulations by regulation 11”;”.
- (4) For regulation 11(1)(f) substitute—
- “(f) as if in regulation 9—
- (i) paragraph (1)(h) were omitted;
- (ii) in paragraph (1)(l) for “Part VII of the Act” there were substituted “Article 30A of the principal Order”;”.
- (5) In regulation 21(1)—
- (a) for sub-paragraph (g) substitute—
- “(g) as if in regulation 50—
- (i) in paragraph (1)(a) for “of those Regulations” there were substituted “as applied with modifications for the purposes of those Regulations by regulation 22 of the Rate Relief (General) Regulations (Northern Ireland) 2007”;
- (ii) in paragraph (2)(a) after “of those Regulations” there were inserted “as applied with modifications for the purposes of the Rate Relief (General) Regulations (Northern Ireland) 2007 by regulation 22 of those Regulations”;
- (iii) in paragraph (2)(b) and (c) after “71” there were inserted “as applied with modifications for the purposes of the Rate Relief (General) Regulations (Northern Ireland) 2007 by regulation 22 of those Regulations”;”;
- (b) for sub-paragraph (h) substitute—
- “(h) as if in regulation 51A(3)(b) “rent or” were omitted;”;
- (c) after sub-paragraph (h) insert—
- “(ha) as if in regulation 51B—
- (i) in paragraph (1) after “51”, wherever it occurs, there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these regulations by regulation 21”;

- (ii) in paragraph (2) “rent and”, wherever it occurs, is omitted;
 - (iii) in paragraph (3)(a) after “51(2)” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these regulations by regulation 21”;
 - (iv) in paragraph (3)(b) “rent or” were omitted and after “59(4)(c)” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these regulations by regulation 23”;
 - (v) in paragraph (4)(a) after “7(6)” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these regulations by regulation 11”;
 - (vi) in paragraph (4)(b) “rent or” were omitted;
 - (vii) in paragraph (5) “rent and” were omitted and after “60(1)” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these regulations by regulation 23”;
- (hb) as if in regulation 51C—
- (i) in paragraph (1) after “51(1)(b)” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 21”;
 - (ii) in paragraph (2) after “51B(1)(a)” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 21”;
- (6) In regulation 25(1)—
- (a) for sub-paragraph (d) substitute—
 - “(d) as if in regulation 62—
 - (i) in paragraphs (5B) to (5G) for “the Department” there were substituted “the Department for Social Development”;
 - (ii) in paragraphs (5CA) and (5D) “or the Department” were omitted;
 - (iii) in paragraph (11) for “award benefit” there were substituted “award rate relief”;
 - (b) for sub-paragraph (g)(i) substitute—
 - “(i) in regulation 64(2) and (5) after “regulation 62”;
- (7) After regulation 29(2)(e)(ii) add—
- “(iii) in sub-paragraph (3) after “51” there were inserted “of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 21”;
- (8) In regulation 30(g)(ii) insert—
- “(iia) as if paragraph (2A) were omitted;”
- (9) In regulation 32—
- (a) after paragraph (f)(ii) insert—
 - “(iia) as if paragraph (2A) were omitted;”;
 - (b) for paragraph (f)(iii) substitute—
 - “(iii) as if for paragraph (3) there were substituted—
 - “(3) For the purposes of paragraph (1), “landlord” shall have the same meaning as it has for the purposes of regulation 73 of the Housing Benefit (State Pension Credit) Regulations as applied with modifications for the purposes of these Regulations by regulation 30.”;
 - (c) after paragraph (g)(i) insert—

“(ia) in paragraph (1A) there were omitted “or where it is unable to do so, may request the Department to recover any recoverable overpayment from the benefits prescribed in regulation 83(2A),””.

(10) In regulation 42—

- (a) in paragraph (g)(ii) omit “and 7(2)(h)(ii)”;
- (b) after paragraph (h)(ii) insert—
 - “(iia) in paragraph (2)(h)(ii) after “relevant benefit” there were inserted “or housing benefit””;
- (c) after paragraph (h) insert—
 - “(ha) as if in regulation 7A paragraphs (1) to (3) were omitted”;
- (d) for paragraph (n)(i) substitute—
 - “(i) paragraphs 1 and 6 were omitted”;
- (e) in paragraph (n)(ii)(aa) for “regulation 15 (decisions),” substitute “regulations 14C(5)(e) (board and attendance) and 15 (decisions),”.

Sealed with the Official Seal of the Department of Finance and Personnel on 6th October 2009



Brian McClure

A senior officer of the Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Rate Relief (General) Regulations (Northern Ireland) 2007 and the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007 (“the principal Regulations”) which apply the Housing Benefit Regulations (Northern Ireland) 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (“the Housing Benefit Regulations”) for the purposes of the principal Regulations as they apply for the purposes of the Housing Benefit Regulations with modifications.

Regulation 2 amends the Rate Relief (General) Regulations (Northern Ireland) 2007 to take account of amendments to the Housing Benefit Regulations. The regulation removes any references to rent. It also reforms Extended Payments, which are work incentive measures designed to provide an additional 4 weeks assistance for people moving into work, within Rate Relief. The regulation makes provision for claims for Rate Relief to be made by telephone. Provision is also made to permit recovery of an overpayment from a claimant’s partner where Rate Relief is payable to the partner.

Regulation 3 makes equivalent amendments to the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007.

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