STATUTORY RULES OF NORTHERN IRELAND

2021 No. 89

FINANCIAL ASSISTANCE

The Financial Assistance (Coronavirus) (Soft Play Businesses) Regulations (Northern Ireland) 2021

Made - - - -	*30th March 2021*
Coming into operation -	*31st March 2021*

The Department of Finance(**a**) in exercise of the powers conferred by sections 1(2) and 3 of the Financial Assistance Act (Northern Ireland) 2009 (**b**), makes the following Regulations.

The Department of Finance has been designated as a relevant Department under section 1(3)(a) of that Act.

The Regulations are made with the approval of the Executive Office.

Citation and commencement

1. These Regulations may be cited as The Financial Assistance (Coronavirus) (Soft Play Businesses) Regulations (Northern Ireland) 2021 and come into operation on 31st March 2021.

The Coronavirus Financial Assistance (Soft Play Businesses) Scheme 2021

2. The Department of Finance makes the Scheme set out in the Schedule.

Sealed with the Official Seal of the Department of Finance on 30th March 2021.

(L.S.)

Alan Brontë
A senior officer of the Department of Finance

Approved by the Executive Office
Sealed with the Official Seal of the Executive Office on 30th March 2021.

(L.S.)

Neill Jackson
A senior officer of the Executive Office

(**a**) The Department of Finance and Personnel was renamed the Department of Finance by section 1(4) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))
(**b**) 2009 c. 2

SCHEDULE

Regulation 2

The Coronavirus Financial Assistance (Soft Play Businesses) Scheme 2021

Citation and interpretation

1. This Scheme may be cited as the Coronavirus Financial Assistance (Industrial Business) Scheme 2021 and applies in respect of the financial year ending on 31st March 2021.

2. In this Scheme:—

"application" means an application under paragraph 3;

"Department" means the Department of Finance;

"financial assistance" means financial assistance provided in accordance with this scheme;

"hereditament" means a hereditament as defined by Article 2(2) of the Rates Order;

"higher rate" will be a payment of £1,600 for any 7 day period within a qualifying period, and a single payment of £229 for each day, within any period of less than 7 days, that may follow such a 7 day period;

"lower rate" will be a payment of £800 for any 7 day period within a qualifying period, and a single payment of £114 for each day, within any period of less than 7 days, that may follow such a 7 day period;

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975(**a**);

"net annual value" means a net annual value as defined by Article 2(2) of the Rates Order;

"occupier" means a person who carries on a soft play business in a restricted hereditament;

"qualifying period" means the period beginning on 3rd July 2020 and ending on 13th September 2020;

"the Insolvency Order" means the Insolvency (Northern Ireland) Order 1989(**b**);

"the Rates Order" means the Rates (Northern Ireland) Order 1977(**c**);

"restricted hereditament" means a hereditament within which an occupier carries on a soft play business;

"soft play business" means a business wholly or mainly used for the purposes of the provision of soft play facilities;

"standard rate" will be a payment of £1,200 for any 7 day period within a qualifying period, and a single payment of £171 for each day, within any period of less than 7 days, that may follow such a 7 day period;

"statutory undertaker" means persons authorised by any statutory provision to carry on any railway, road transport, water transport, inland navigation or dock undertaking, or a gas undertaker, an electricity undertaker, a water undertaker or a sewerage undertaker or the airport operator (within the meaning of the Airports (Northern Ireland) Order 1994(**d**)) of any airport to which Article 25 of that Order applies.

Eligibility

3.—(1) No award shall be granted except on an application made to the Department, and any such application shall contain information and be provided in the format that the Department has requested.

(**a**) 1975 c. 26
(**b**) S.I. 1989/2405 (N.I. 19)
(**c**) S.I. 1977/2157 (N.I. 28)
(**d**) S.R. 2010 No. 4

(2) An application made in relation to the scheme provided for by the Rates (Coronavirus) (Emergency Relief) (No. 2) Regulations (Northern Ireland) 2020(**a**), shall be treated by the Department as an application for the purposes of sub-paragraph (1).

4. A person is eligible under paragraph 3 for financial assistance payable at the lower rate if, during the qualifying period, they were the occupier of a restricted hereditament whose net annual value does not exceed £15,000.

5. A person is eligible under paragraph 3 for financial assistance at the standard rate if, during the qualifying period, they were the occupier of a restricted hereditament whose net annual value exceeds £15,000 but does not exceed £51,000.

6. A person is eligible under paragraph 3 for financial assistance at the higher rate if during the qualifying period they were the occupier of a restricted hereditament whose net annual value exceeds £51,000.

7.—(1) Paragraphs 4,5 and 6 shall not apply–

(a) where the occupier has not been provided with support under the Rates (Coronavirus) (Emergency Relief) (No. 2) Regulations (Northern Ireland) 2020;

(b) where the occupier is a Northern Ireland department or a Minister of the Crown or any officer or body exercising functions on behalf of the Crown;

(c) where the occupier is a body established by or under a statutory provision or by a statutory undertaker;

(d) where the occupier is the Northern Ireland Housing Executive or a housing association registered in the register maintained under Part II of the Housing (Northern Ireland) Order 1992(**b**);

(e) where the occupier has failed to comply with a prohibition notice under regulation 7 of The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020(**c**);

(f) in respect of any hereditament, where the person entitled to possession of that hereditament is so entitled in the capacity of liquidator by virtue of an order made under Article 98 or Article 123 of the Insolvency Order;

(g) in respect of any hereditament where there subsists in respect of the estate of the person entitled to possession of that hereditament, a bankruptcy order within the meaning of Parts I and VIII to X of the Insolvency Order;

(h) in respect of any hereditament where the person entitled to possession of that hereditament is—

(i) a company in administration within the meaning of paragraph 2 of Schedule B1 to the Insolvency Order or is subject to an administration order made under the former administration provisions within the meaning of Article 2 of the Insolvency (2005 Order) (Transitional Provisions and Savings) Order (Northern Ireland) 2006(**d**); or

(ii) a company which is subject to a winding-up order made under the Insolvency Order or which is being wound up voluntarily under that Order.

Information

8.—(1) In addition to any application, the Department may use information obtained for the purposes of the Rates Order, or provided by a district council for the purposes of these Regulations, in determining whether a person is eligible for Coronavirus Financial Assistance (Soft Play Businesses) support.

(**a**) S.R. 2020 No. 144
(**b**) S.I. 1992/1725 (N.I. 15)
(**c**) S.R. 2020 No. 55
(**d**) S.R. 2006 No. 22

(2) The Department may request and obtain information held by a district council for the purposes of determining whether a person is eligible for Coronavirus Financial Assistance (Soft Play Businesses) support.

(3) The Department may share information in relation to eligibility for Coronavirus Financial Assistance (Soft Play Businesses) support with another Northern Ireland department.

Award of Financial Assistance under this scheme

9.—(1) Where the Department is satisfied that the person eligible under paragraph 3 is eligible for the purposes of paragraphs 4, 5 or 6, it shall award Coronavirus Financial Assistance (Soft Play Businesses) support in accordance with this Scheme.

(2) A person to whom sub-paragraph (1) applies may choose to forgo any award under this Scheme by providing written notification to the Department.

Discontinuance of award

10. Where the Department is no longer satisfied that an award made in accordance with paragraph 9 is properly payable, payment shall be suspended while the matter is investigated, and shall be discontinued thereafter unless the Department is satisfied that the occupier is eligible for the assistance applied for.

Recovery

11.—(1) Any amount of award made in accordance with paragraph 9, and which is subsequently found to have been paid contrary to that paragraph, shall be recoverable by the Department from any person to whom such an award was made.

(2) For the purposes of sub-paragraph (1), the Department may recover an amount as an offset against any previous award of Covid-19 financial assistance.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for financial assistance to be awarded to soft play businesses.

Regulation 1 provides for citation and commencement.

Regulation 2 provides for The Financial Assistance (Coronavirus) (Soft Play Businesses) Regulations (Northern Ireland) 2021 to be set out in the Schedule.

Schedule

Paragraph 1 provides for citation of the scheme.

Paragraph 2 provides for interpretation to be applied in respect of the scheme.

Paragraphs 3 to 7 provides for the eligibility framework in respect of the scheme.

Paragraph 8 provides for the information requirements in relation to the scheme.

Paragraph 9 provides for the award of financial assistance under the scheme.

Paragraphs 10 and 11 provides for the discontinuance and recovery of Covid-19 financial assistance by the Department under certain conditions.

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