EXPLANATORY MEMORANDUM TO

The Rate Relief (Lone Pensioner Allowance) (Amendment) Regulations (Northern Ireland) 2022

SR 2022 No. 90

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) ("the 1977 Order") and is subject to the negative resolution procedure.

2. Purpose

2.1. The Rate Relief (Lone Pensioner Allowance) Regulations (Northern Ireland) 2008 ("the 2008 Regulations"), provide a 20% rate relief for persons over 70 years old in respect of a dwelling which is occupied solely by them. They also provide, among other things, that in determining whether a dwelling is occupied solely by that person certain other persons living there are to be disregarded.

2.2 The provisions refer to entitlement to the highest rate of the care component (HRCC) of a disability living allowance (DLA) under section 72(4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

2.3 Personal independence payment (PIP) has gradually replaced DLA for working age claimants. Although the replacement is for working age claimants only, when those entitled become state pension age they can continue to receive it. When PIP was introduced, the Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations (Northern Ireland) 2016 made consequential amendments to various pieces of legislation to ensure claimants receiving a PIP award were treated the same as those on the equivalent DLA award. However the 2008 Regulations were inadvertently omitted from the amending regulations.

2.4 These regulations amend the 2008 Regulations to include the reference to PIP.

3. Background

3.1. Paragraph 1 of the Schedule to the 2008 Regulations provides that where the person who has attained the age of 70 years old has a carer that carer is a disregarded person if certain conditions are met. Those conditions include that the person who has attained the age of 70 years old is entitled to DLA HRCC or another relevant benefit. Paragraph 2 of the Schedule to the 2008 Regulations provides, among other things,

that where the person who has attained the age of 70 years old cares for another person, that person is a disregarded person if certain conditions are met. Those conditions include that the person being cared for is entitled to DLA HRCC or another relevant benefit. The 2008 regulations are therefore amended to include the equivalent award of PIP alongside DLA.

4. Consultation

4.1. No consultation was deemed necessary in respect of this Statutory Rule which effects a technical change in the legislation to correct an omission. The first consultation undertaken by the Department for Work and Pensions (DWP) when DLA was to be replaced by PIP, 'Disability Living Allowance reform', published on 6 December 2010, made clear that the intention was to take into account DLA's role as a passport as the new benefit was designed. The responses received were unanimously in favour of maintaining passporting arrangements where possible. All consultation exercises undertaken by the DWP in relation to PIP have been run concurrently in Northern Ireland by the Department for Communities with stakeholder responses fed back to DWP to consider alongside those received in Great Britain.

5. Equality Impact

5.1. There are no equality impact implications, the regulations merely ensure that the replacement for DLA HRCC is inserted into the regulations in line with other references to it.

6. Regulatory Impact

6.1. No Regulatory Impact Assessment was prepared. These Regulations result in no costs or savings, they merely ensure that the PIP reference equivalent to DLA HRCC is inserted into the 2008 regulations.

7. Financial Implications

7.1. The financial impact of these Regulations is neutral.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department of Finance considers the Regulations to be compatible with section 24 of the Northern Ireland Act 1998.

9. Parity or Replicatory Measure

9.1. Not applicable.

10. Additional Information

10.1. Not applicable.