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STATUTORY RULES OF NORTHERN IRELAND

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**2020 No. 230**

**FINANCIAL ASSISTANCE**

**The Financial Assistance (Coronavirus)  
(No. 2) Regulations (Northern Ireland) 2020**

*Made - - - - 27th October 2020*

*Coming into operation 30th October 2020*

The Department of Finance<sup>(1)</sup>, in exercise of the powers conferred by sections 1(2) and 3 of the Financial Assistance Act (Northern Ireland) 2009<sup>(2)</sup>, 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) (No. 2) Regulations (Northern Ireland) 2020 and come into operation on 30th October 2020.

**The Coronavirus Financial Assistance No. 2 Scheme 2020**

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

Sealed with the Official Seal of the Department of Finance on 27th October 2020.

(L.S.)

*Alan Brontë*  
A senior officer of the Department of Finance

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(1) 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.))

(2) 2009 c. 2

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Approved by the Executive Office  
Sealed with the Official Seal of the Executive Office on 27th October 2020.

(L.S.)

*Neill Jackson*  
A senior officer of the Executive Office

## SCHEDULE

Regulation 2

### The Coronavirus Financial Assistance No. 2 Scheme 2020

#### **Citation and interpretation**

1.—(1) This Scheme may be cited as the Coronavirus Financial Assistance No. 2 Scheme 2020.

(2) In this Scheme:—

“bed and breakfast” means a bed and breakfast for the purposes of paragraph 8 of Schedule 2 to the Coronavirus Regulations;

“capital value list” means a “capital value list” as defined by Article 2(2) of the Rates Order;

“Coronavirus Financial Assistance” means financial assistance provided under this Scheme;

“the Coronavirus Regulations” means the Health Protection (Coronavirus, Restrictions) (No.2) Regulations (Northern Ireland) 2020(3);

“the Department” means the Department of Finance;

“guest house” means a guest house for the purposes of paragraph 8 of Schedule 2 to the Coronavirus Regulations;

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

“higher rate” will be-

- (a) a single payment of £3,200 for the first 14 day period within a qualifying period;
- (b) a payment of £1600 for any 7 day period, within a qualifying period, after the 14 day period referred to in sub-paragraph (a); and
- (c) a single payment of £229 for each day within any period of less than 7 days, within a qualifying period, that may follow a 7 day period referred to in sub-paragraph (b);

“lower rate” will be-

- (a) a single payment of £1,600 for the first 14 day period within a qualifying period;
- (b) a payment of £800 for any 7 day period, within a qualifying period, after the 14 day period referred to in sub-paragraph (a); and
- (c) a single payment of £114 for each day within any period of less than 7 days, within a qualifying period, that may follow a 7 day period referred to in sub-paragraph (b);

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975(4);

“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 relevant business in a restricted hereditament where-

- (a) the relevant business is separate and distinct from any activity carried on by any other occupier of the restricted hereditament,
- (b) they are not the employee or agent of any other occupier of the restricted hereditament;
- (c) their occupation of the whole or a part of the restricted hereditament to conduct their relevant business is exclusive of the activity of any other occupier during their business hours; and
- (d) their occupation is not transient;

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(3) S.R. 2020 No.150 as amended by S.R. 2020 Nos. 170, 187, 195, 198, 202, 204, 210, 213, 224 and 225

(4) 1975 c. 26.

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“qualifying period” means an “active period” for the purposes of Schedule 2 to the Coronavirus Regulations;

“the Rates Order” means the Rates (Northern Ireland) Order 1977<sup>(5)</sup>;

“relevant business” subject to paragraph 2(3)(b), means a business or service which is-

- (a) restricted or subject to closure as a result of paragraphs 7, 8 or 12 of Schedule 2 to the Coronavirus Regulations; or
- (b) an indoor sporting event restricted as a result of sub-paragraph 5(1) of Schedule 2 to the Coronavirus Regulations;

“restricted hereditament” means a hereditament within which an occupier carries on a relevant business;

“standard rate” will be-

- (a) a single payment of £2,400 for the first 14 day period within a qualifying period;
- (b) a payment of £1,200 for any 7 day period, within a qualifying period, after the 14 day period referred to in sub-paragraph (a); and
- (c) a single payment of £171 for each day within for any period of less than 7 days, within a qualifying period, that may follow a 7 day period referred to in sub-paragraph (b);

“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<sup>(6)</sup>) of any airport to which Article 25 of that Order applies.

## **Eligibility**

2.—(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.

(2) An application made in relation to the scheme provided for by the Financial Assistance (Coronavirus) Regulations (Northern Ireland) 2020 shall be treated by the Department as an application for the purposes of sub-paragraph 2(1).

(3) Where sub-paragraph (2) applies-

- (a) the operative date for the purposes of paragraphs 3, 4 and 5; and the date from which payment shall be reckoned, shall be the start of the qualifying period within the scheme provided for by the Financial Assistance (Coronavirus) Regulations (Northern Ireland) 2020;
- (b) a relevant business shall mean a business or service which was restricted or subject to closure as a result of Schedule 3 to the Coronavirus Regulations as in force at the start of the said qualifying period;
- (c) standard rate, higher rate and lower rate shall have the meaning ascribed in paragraph 1 of this scheme; and
- (d) in the case of a relevant business that is an escape room as provided for by paragraph 6(2) of Schedule 3 to the Coronavirus Regulations as defined at sub-paragraph (b) above the qualifying period ends on the date on which Schedule 3 was revoked.

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(5) S.I. 1977/2157 (N.I. 28)

(6) S.I. 1994/426 (N.I.1)

3. A person is eligible upon application under paragraph 2 for Coronavirus Financial Assistance at the lower rate if, at the commencement of the qualifying period, they were -

- (a) the occupier of a restricted hereditament within a designated district whose net annual value does not exceed £15,000;
- (b) the occupier of a part of a restricted hereditament within a designated district; or
- (c) the occupier of a restricted hereditament which is a bed and breakfast or guest house within the capital value list.

4. A person is eligible upon application under paragraph 2 for Coronavirus Financial Assistance at the standard rate if, at the commencement of the qualifying period, they were the occupier of a restricted hereditament within a designated district whose net annual value exceeds £15,000 but does not exceed £51,000.

5. A person is eligible upon application under paragraph 2 for Coronavirus Financial Assistance at the higher rate if, at the commencement of the qualifying period, they were the occupier of a restricted hereditament within a designated district whose net annual value exceeds £51,000.

6. Where a person has made an application for, and been awarded, Coronavirus Financial Assistance in relation to a particular restricted hereditament under the Financial Assistance (Coronavirus) Regulations (Northern Ireland) 2020, the Department shall disregard any further application made under this scheme, by that person for the same restricted hereditament, for any period in respect of which they are already receiving assistance as a result of the earlier application.

7. Paragraphs 3, 4 and 5 shall not apply where—

- (a) 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;
- (b) the occupier is a body established by or under a statutory provision or by a statutory undertaker;
- (c) 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;
- (d) the occupier has failed to comply with a prohibition notice under regulation 7 of The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020(7);
- (e) the occupier is a person to whom paragraph 8(2) or 8(3) of the Schedule 2 to the Coronavirus Regulations applies.

### **Information**

8.—(1) In addition to any application made under paragraph 2, 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.

(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.

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

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### **Award of Coronavirus Financial Assistance**

9. Where the Department is satisfied that the person making application under paragraph 2 is eligible for the purposes of paragraph 3, 4, or 5 it shall award Coronavirus Financial Assistance in accordance with this Scheme.

### **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. 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.

### **Review of the scheme**

12. The operation of the Coronavirus Financial Assistance scheme as laid out in this Schedule shall be reviewed by the Department 28 days after the coming into operation of these Regulations and every 28 day period thereafter.

13. A review under paragraph 12 shall include an assessment of the ongoing cost of the provision to the Department.

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations provide for financial assistance (Coronavirus Financial Assistance) be awarded to occupiers of certain hereditaments affected by specific closures as a result of application of The Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020 as amended. They also amend the Financial Assistance (Coronavirus) Regulations (Northern Ireland) 2020 to enhance the level of support provided by those Regulations.

Regulation 1 provides for citation and commencement.

Regulation 2 provides for the Coronavirus Financial Assistance scheme to be set out in the Schedule.

Paragraph 1 provides for interpretation to be applied in respect of the scheme.

Paragraph 2 provides for applications to be made in relation to the scheme.

Paragraphs 3, 4 and 5 provide the eligibility criteria for the scheme.

Paragraph 6 makes provision to prevent payments being received by applicants for both the scheme provided for by these Regulations and the Financial Assistance (Coronavirus) Regulations (Northern Ireland) 2020 in relation to the same period of time.

Paragraph 7 provides for exclusions to be applied within the scheme.

Paragraph 8 provides that the Department may use information gathered for the purposes of the Rates (Northern Ireland) Order 1977, or that may be held by a district council, in administering the award of financial assistance, and that information pertaining to eligibility for financial assistance under this scheme may be shared with other Northern Ireland departments.

Paragraph 9 permits the Department to award financial assistance in accordance with the scheme.

Paragraph 10 provides for the discontinuance of the scheme in certain cases.

Paragraph 11 makes provision for the Department to recover any amount paid in excess of entitlement under the scheme.

Paragraph 12 and 13 provides for a statutory requirement for a periodic review of the operation of the scheme.