STATUTORY RULES OF NORTHERN IRELAND

2006 No. 452

HOUSING

The Housing Renewal Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 2006

Made - - - -	*10th November 2006*
Coming into operation	*18th December 2006*

The Department for Social Development(**1**) makes the following Regulations in exercise of the powers conferred by Article 47(**2**) of the Housing (Northern Ireland) Order 1992(**3**) as applied by Regulations(**4**) made under Article 73 of that Order and now vested in it(**5**) and conferred on it by Articles 37(2), 61, 62(5) and 148(1) of the Housing (Northern Ireland) Order 2003(**6**):

Citation and commencement

1. These Regulations may be cited as the Housing Renewal Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 18th December 2006.

Interpretation

2.—(1) In these Regulations—

"the 2004 Regulations" means the Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004(**7**), and

"the qualifying age for state pension credit" is (in accordance with section 1(2)(b) of the State Pension Credit Act (Northern Ireland) 2002(**8**))—

(a) in the case of a woman, pensionable age; or

(b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man.

(**1**) S.I. 1999/283 (N.I. 1) Article 3(1)
(**2**) *See* Article 120(5) of S.I. 2003/412 (N.I. 2)
(**3**) S.I. 1992/1725 (N.I. 15)
(**4**) S.R. 2003 No. 465
(**5**) S.R. 1999 No. 481 Article 6(e) and Schedule 4 Part V
(**6**) S.I. 2003/412 (N.I. 2)
(**7**) S.R 2004 No. 8, as amended by S.R. 2005 No. 520 and S.R. 2006 No. 407
(**8**) 2002 c.14 (N.I.)

3.—(1) The 2004 Regulations shall have effect, in relation to any person who has attained the qualifying age for state pension credit, with the modifications set out in this Regulation.

(2) For Regulations 15 (applicable amounts) and 16 (polygamous marriages), substitute—

"**Applicable amounts**

15.—(1) The applicable amount of a relevant person who has attained or whose partner has attained the qualifying age for state pension credit shall be the aggregate of such of the following amounts as apply in his case—

(a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 1A;

(b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 2 of that Schedule;

(c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part 2 of that Schedule (family premium);

(d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule.

(2) In Schedule 1A, "additional spouse" means a spouse of either party to a marriage who is additional to the other party to the marriage.".

(3) After Schedule 1, insert—

"SCHEDULE 1A Regulation 15

APPLICABLE AMOUNTS FOR PERSONS WHO HAVE ATTAINED OR WHOSE PARTNER HAS ATTAINED THE QUALIFYING AGE FOR STATE PENSION CREDIT

PART I

PERSONAL ALLOWANCES

1. The following amounts shall be the applicable amounts specified for the purposes of regulation 15(1)(a)—

(a) for a single person aged under 65, £109.45;

(b) for a single person aged 65 or over, £125.90;

(c) for a couple where both members are aged under 65, £167.05;

(d) for a couple where one member or both members are aged 65 or over, £188.60;

(e) for a person who is a member of a polygamous marriage and none of the members of the marriage have attained the age of 65,

(i) for that person and the other party to the marriage, £167.05;

(ii) for each additional spouse who is a member of the same household as that person, £57.60;

(f) for a person who is a member of a polygamous marriage and one or more of the members of the marriage are aged 65 or over,

(i) for that person and the other party to the marriage, £188.60;

(ii) for each additional spouse who is a member of the same household as that person, £62.70.

2.—(1) The following amounts shall, for the relevant periods, be the applicable amounts specified for the purpose of regulation 15(1)(b)—

(a) in respect of the period beginning on, and including, a person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday, £43.88;

(b) in respect of the period beginning on, and including, the first Monday in September following a person's sixteenth birthday and ending on the day preceding that person's nineteenth birthday, £43.88.

(2) In paragraph (1), "the first Monday in September" means the Monday which first occurs in the month of September in the relevant year.

PART II

FAMILY PREMIUM

3.—(1) The amount for the purposes of regulation 15(1)(c) and (d) in respect of a family of which at least one member is a child or young person shall be £16.10.

(2) The amount specified in sub-paragraph (1) shall be increased by £10.50 where at least one child is under the age of one year and for the purposes of this sub–paragraph where that child's first birthday does not fall on a Monday he shall be treated as under the age of one year until the first Monday after his first birthday.

PART III

PREMIUMS

4. The amounts specified in Part IV shall be the premiums applicable to relevant persons who satisfy a condition specified in paragraphs 7 to 10 of this Part in respect of a particular premium.

5. Subject to paragraph 6, where a relevant person satisfies a condition in respect of more than one premium in this Part, only one premium shall be applicable to him and if the premiums which would (apart from this provision) be applicable are of different amounts, only the higher or highest of these shall apply.

6. The following premiums, namely—

(a) a severe disability premium to which paragraph 7 applies,

(b) an enhanced disability premium to which paragraph 8 applies,

(c) a disabled child premium to which paragraph 9 applies, and

(d) a carer premium to which paragraph 10 applies

are applicable in addition to any other premium which may apply under this Schedule.

Severe disability premium

7.—(1) Subject to paragraphs 11 and 12, the condition is that the relevant person is a severely disabled person.

(2) For the purposes of sub–paragraph (1), a relevant person shall be treated as a severely disabled person if, and only if—

(a) in the case of a single person, a lone parent or a relevant person who is treated as having no partner in consequence of sub–paragraph (3)—

(i) he is in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, and

(ii) he has no non–dependants aged 18 or over normally residing with him or with whom he is normally residing, and

(iii) a carer's allowance under section 70 of the 1992 Act is not in payment to any person in respect of caring for him;

(b) in the case of a relevant person who has a partner—

(i) the relevant person is in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, and

(ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance, and

(iii) he has no non–dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a carer's allowance is payable to someone in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all of the partners of the marriage; or else such an allowance is not in payment to anyone in respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where a relevant person has a partner who does not satisfy the condition in sub–paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub–paragraph (4), that partner shall be treated for the purposes of sub–paragraph (2) as if he were not a partner of the relevant person.

(4) For the purposes of sub–paragraph (3)—

(a) a person is blind if he has been certified as blind and in consequence is registered as blind in a register maintained by or on behalf of a Health and Social Services Board, and

(b) a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the condition of being so registered for a period of 28 weeks following the date on which he ceased to be so registered.

(5) For the purposes of sub–paragraphs (2)(a)(ii) and (2)(b)(ii), no account shall be taken of—

(a) a person receiving attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt; or

(b) a person who is blind or is treated as blind within the meaning of sub–paragraph (4).

Enhanced disability premium

8. The condition is that the care component of disability living allowance is, or would be, but for a suspension of benefit in accordance with regulations under section 113(2) of the 1992 Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the 1992 Act in respect of a child or young person who is a member of the relevant person's family.

Disabled child premium

9. Subject to paragraphs 11 and 12, the condition is that a child or young person for whom the relevant person or a partner of his is responsible and who is a member of the relevant person's household—

(a) is in receipt of a disability living allowance or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or

(b) is blind or is treated as blind within the meaning of paragraph 7(4); or

(c) is a child or young person in respect of whom section 141A of the 1992 Act(**9**) applies for the purposes of entitlement to child benefit, but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the relevant person's applicable amount immediately before the death of that child.

Carer premium

10.—(1) Subject to paragraphs 11 and 12, the condition is that the relevant person or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the 1992 Act.

(2) Where a carer premium has been awarded but—

(a) the person in respect of whose care the carer's allowance has been awarded dies; or

(b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance,

this paragraph shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub–paragraph (3).

(3) The relevant date for the purposes of sub–paragraph (2) is—

(a) the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the death occurred on a Sunday);

(b) where head (a) does not apply, the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.

(4) For the purpose of this paragraph, a person shall be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which payment is made in lieu of an award.

Persons in receipt of concessionary payments

11. For the purposes of determining whether a premium is applicable to a person under paragraphs 7 to 10, any concessionary payment made to compensate that person for non–payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit

12. For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it has been paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

(**9**) Section 141A was inserted by section 55 of the Tax Credits Act 2002 (2002 c. 21) and amended by paragraph 38 of Schedule 1 to the Child Benefit Act 2005 (2005 c.6)