STATUTORY RULES OF NORTHERN IRELAND

# 2003 No. 234

# HOUSING

## Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 2003

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| *Made - - - -* | *8th April 2003* |
| *Coming into operation* | *19th May 2003* |

The Department for Social Development(**1**), in exercise of the powers conferred by Article 47 of the Housing (Northern Ireland) Order 1992(**2**) and now exercisable by it(**3**) and of every other power enabling it in that behalf, with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

### Citation and commencement

**1.** These Regulations may be cited as the Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 19th May 2003.

### Amendments

**2.** The Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1997(**4**) are amended in accordance with regulations 3 to 18.

### Regulation 2

**3.** In regulation 2(1) (interpretation) –

(a) in paragraph (b) of the definition of "attendance allowance", after "104" insert "or 105";

(b) in the definition of "income-based jobseeker's allowance", for "means an income-based jobseeker's allowance within" substitute "and "a joint-claim jobseeker's allowance" have the same meaning as they have in";

(c) omit the definition of the "intensive activity period (New Deal) programme";

(d) after the definition of "net profit" insert the following definition –

(**1**) S.I. 1999/283 (N.I. 1) Article 3(1)
(**2**) S.I. 1992/1725 (N.I. 15)
(**3**) S.R. 1999 No. 481 Article 6(e) and Schedule 4 Part V
(**4**) S.R. 1997 No. 456 as amended by S.R. 1998 No. 396, S.R. 1999 No. 387, S.R. 2000 Nos. 62 and 325 and S.R. 2001 No. 315

""the New Deal Options" means the employment programmes specified in regulation 75(1)(a)(i) of the Jobseeker's Allowance Regulations(**5**) and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;".

(e) after the definition of "polygamous marriage" insert the following definitions –

""Preparation for Employment Programme" means the programme known by that name as defined for the purposes of the Jobseeker's Allowance Regulations in regulation 75(i)(a)(v)(**6**) of those Regulations;

"Preparation for Employment Programme for 50 plus" means the programme known by that name as defined for the purposes of the Jobseeker's Allowance Regulations in regulation 1(2)(**7**) of those Regulations;"

**Regulation 6**

**4.** In paragraph (6A) of regulation 6 (remunerative work)(**8**), for "the intensive activity period (New Deal) programme" substitute "the Preparation for Employment Programme".

**Regulation 8**

**5.** In regulation 8 (circumstances in which a person is to be treated as being or not being a member of the household) –

(a) in paragraph (3), for "A child" substitute "Subject to paragraph (3A), a child";

(b) after paragraph (3) insert –

"(3A) Paragraph (3) shall not apply in any case where a child or young person –

(a) has been placed with the relevant person or his partner by a Health and Social Services Board under Article 27(2)(a) of the Children (Northern Ireland) Order 1995(**9**), and

(b) in accordance with regulation 7(2)(a) is to be treated for the purposes of paragraph (1) of that regulation as normally living with the relevant person or his partner.".

**Regulation 9**

**6.** In paragraph (1) of regulation 9 (the applicable amount)(**10**), in sub-paragraph (b), for "£51·60" substitute "£52·27" and for "£67·08" substitute "£67·95".

**Regulation 11**

**7.** In regulation 11 (reduction in amount of grant)(**11**) –

(a) in paragraph (a)(i), for "18·10" substitute "19·97";

(b) in paragraph (a)(ii), for "36·20" substitute "39·94";

(c) in paragraph (a)(iii), for "144·82" substitute "159·76";

(d) in paragraph (a)(iv), for "362·04" substitute "399·41";

(**5**) Regulation 75 was substituted by S.R. 1997 No. 541 and amended by S.R. 1998 No. 182
(**6**) Head (v) was inserted by S.R. 2001 No. 151
(**7**) The definition of the "Preparation for Employment Programme for 50 plus" was inserted by S.R. 2001 No. 151
(**8**) Paragraph (6A) was inserted by S.R. 1999 No. 387
(**9**) S.I. 1995/755 (N.I. 2)
(**10**) Regulation 9 was amended by S.R. 1998 No. 396, S.R. 2000 No. 325 and S.R. 2001 No. 315
(**11**) Regulation 11 was amended by S.R. 1998 No. 396, S.R. 1999 No. 387 and S.R. 2000 No. 325

(e) in paragraph (b)(i), for "10·65" substitute "11·27";

(f) in paragraph (b)(ii), for "21·29" substitute "22·53";

(g) in paragraph (b)(iii), for "85·18" substitute "90·13";

(h) in paragraph (b)(iv), for "212·95" substitute "225·32".

**Regulation 13**

**8.** In paragraph (b) of regulation 13 (applicable amounts), for "£5,000" substitute "£6,000".

**Regulation 17**

**9.** In paragraph (1A)(**12**) of regulation 17 (determination of income on a weekly basis) –

(a) in sub-paragraph (a), for "£70" substitute "£94·50"; and

(b) in sub-paragraph (b), for "£105" substitute "£140".

**Regulation 18**

**10.** In regulation 18 (treatment of child care charges) –

(a) in paragraph (7)(e)(**13**), for "Education and Employment" substitute "Health".

(b) after paragraph (8) insert –

"(9) For the purposes of paragraph (1) a woman on maternity leave shall be treated as if she is engaged in remunerative work for the period specified in sub-paragraph (b) ("the relevant period") provided that –

(i) in the week before the period of maternity leave began she was in remunerative work;

(ii) the relevant person incurred relevant child care charges in that week; and

(iii) she is entitled to either statutory maternity pay under section 160 of the 1992 Act or maternity allowance under section 35 of that Act;

(b) for the purposes of sub-paragraph (a) the relevant period shall begin on the day on which the woman's maternity leave commences and shall end on –

(i) the date that leave ends;

(ii) if no tax credit is in payment on the date that entitlement to maternity allowance or statutory maternity pay ends, the date that entitlement ends; or

(iii) if a tax credit is in payment on the date that entitlement to maternity allowance or statutory maternity pay ends, the date that entitlement to that award of the tax credit ends,

whichever shall occur first;

(c) in this paragraph "tax credit" means either working families tax credit or a disabled person's tax credit provided that a childcare tax credit under either regulation 46(1)(c) of the Family Credit (General) Regulations (Northern Ireland) 1987(**14**) or, as the case may be, regulation 51(1)(aa) of the Disability

(**12**) Paragraph (1A) was inserted by S.R. 1998 No. 396 and amended by S.R. 2000 No. 325
(**13**) Paragraphs (5), (6), (7) and (8) were added by S.R. 2000 No. 62 and paragraph (7) was amended by S.R. 2001 No. 315
(**14**) S.R. 1987 No. 463 as amended by S.I. 1999/2488 and S.I. 2001/366

Working Allowance (General) Regulations (Northern Ireland) 1992(**15**) forms part of the entitlement to either of those credits.

(10) Where paragraph (9) applies to a woman on maternity leave any child care charges in respect of the child to whom the maternity leave relates shall not be treated as relevant child care charges for the purposes of this regulation and regulation 17.".

**Regulation 30**

**11.** In regulation 30 (notional income) –

(a) in paragraph (6A)(**16**) –

(i) after sub-paragraph (c)(ii) insert –

"(iia) in the Preparation for Employment Programme or the Preparation for Employment Programme for 50 plus; or";

(ii) omit sub-paragraph (c)(iv).

(b) in paragraph (7A)(**17**) –

(i) at the end of sub-paragraph (b)(i) add –

", other than where the service is performed in connection with the claimant's participation in the Preparation for Employment Programme or the Preparation for Employment Programme for 50 plus; or";

(ii) omit sub-paragraph (b)(ii).

**Regulation 37**

**12.** In paragraph (3A)(**18**) of regulation 37 (notional capital) –

(a) after sub-paragraph (b)(ii) insert –

"(iia) in the Preparation for Employment Programme or the Preparation for Employment Programme for 50 plus; or";

(b) omit sub-paragraph (b)(iv).

**Regulation 40**

**13.** In regulation 40 (interpretation)(**19**) –

(a) immediately before the definition of "access funds" insert –

""academic year" means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;";

(b) in the definition of "access funds"(**20**) –

(**15**) S.R. 1992 No. 78 as amended by S.I. 1999/2488
(**16**) Paragraph 6(A) was substituted by S.R. 1999 No. 387 and amended by S.R. 2000 No. 325
(**17**) Paragraph 7(A) was inserted by S.R. 1999 No. 387 and amended by S.R. 2001 No. 315
(**18**) Paragraph 3(A) was inserted by S.R. 1999 No. 387 and amended by S.R. 2000 No. 325
(**19**) Regulation 40 was amended by S.R. 1999 No. 387, S.R. 2000 No. 325 and S.R. 2001 No. 315
(**20**) The definition of "access funds" was inserted by S.R. 2001 No. 315

(i) in paragraph (b), for "and described as "access bursary funds" or "hardship funds" " substitute "for the purpose of providing funds on a discretionary basis to be paid to students";

(ii) after paragraph (c) add – "or

(d) discretionary payments, known as "learner support funds", which are made available to students in further education by institutions out of funds provided by the Learning and Skills Council for England under sections 5, 6 and 9 of the Learning and Skills Act 2000(**21**);";

(c) in the definition of "contribution"(**22**) –

(i) after "Secretary of State" in the first place where those words appear, insert ", the Scottish Ministers";

(ii) for "Secretary of State" in the other two places where those words appear, substitute "Scottish Ministers";

(d) at the end of the definition of "student loan"(**23**) add "and shall include, in Scotland, a young student's bursary paid under regulation 4(1)(c) of the Students' Allowances (Scotland) Regulations 1999(**24**)";

(e) omit the definition of "year".

**Regulation 42**

**14.** In regulation 42 (determination of grant income)(**25**) –

(a) in paragraph (3)(a)(**26**), for "£255" substitute "£260";

(b) for paragraph (3)(b) substitute –

"(b) the sum of £319 towards the costs of books and equipment,";

(c) after paragraph (3) insert –

"(3A) There shall also be excluded from a student's grant income –

(a) any grant of £250 for an only or eldest dependent child payable under regulation 15(1)(c) of the Education (Student Support) Regulations (Northern Ireland) 2001(**27**);

(b) any grant of £500 in respect of expenditure on travel, books and equipment for the purpose of attending his course which is payable under regulation 15(8) of the Education (Student Support) Regulations (Northern Ireland) 2001;

(c) any grant for child care costs payable under regulation 16 of the Education (Student Support) Regulations (Northern Ireland) 2001(**28**);

(d) any grant in respect of a lone parent's child care costs which is payable under regulation 4(1)(c) of the Students' Allowances (Scotland) Regulations 1999 and which is specified as such on the student's award notice.";

(d) in paragraph (5)(**29**), after "Any" insert "amount paid in respect of dependants under Article 44(2) of the Health and Personal Social Services (Northern Ireland) Order

(**21**) 2000 c. 21
(**22**) The definition of "contribution" was amended by S.R. 1999 No. 387 and S.R. 2000 No. 325
(**23**) The definition of "student loan" was inserted by S.R. 2000 No. 325
(**24**) S.I. 1999/1131 (S. 91)
(**25**) Regulation 42 was amended by S.R. 1998 No. 396 and S.R. 2000 No. 325
(**26**) Paragraph 3 was amended by S.R. 2000 No. 325 and S.R. 2001 No. 315
(**27**) S.R. 2001 No. 277
(**28**) Regulation 16 was amended by S.R. 2002 No. 111
(**29**) Paragraph (5) was inserted by S.R. 2001 No. 315