STATUTORY RULES OF NORTHERN IRELAND

2001 No. 315

HOUSING

Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 2001

Made - - - -	*4th September 2001*
Coming into operation	*15th October 2001*

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) 2001 and shall come into operation on 15th October 2001.

Amendments

2. The Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1997(**4**) are amended in accordance with regulations 3 to 17.

Regulation 2

3. In regulation 2(1) (interpretation), after the definition of "attendance allowance", insert " "benefit week" means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;".

Regulation 7

4. In paragraph 2 of regulation 7 (circumstances in which a person is to be treated as responsible or not responsible for another), in sub-paragraph (*a*) after "in respect of him", insert "or, if no-one

(**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 and S.R. 2000 Nos. 62 and 325

is in that position, with whom he has been placed under Article 27(2) of the Children (Northern Ireland) Order 1995(**5**);".

Regulation 9

5. In paragraph (1) of regulation 9 (the applicable amount)(**6**), in sub-paragraph (*b*), for "£50" substitute "£51·60" and for "£65" substitute "£67·08".

Regulation 17

6. In regulation 17 (determination of income on a weekly basis)(**7**)—

(a) in paragraph (1), after "(treatment of child care charges)" insert "from the aggregated weekly income or, in a case where the conditions in paragraph (1ZA) are met, from the aggregated weekly income plus whichever credit specified in sub-paragraph (*b*) of that paragraph is appropriate"; and

(b) after paragraph (1) there shall be inserted the following paragraph—

"(1ZA) The conditions of this paragraph are that—

(a) the relevant person's average weekly earnings as mentioned in sub-paragraph (*a*) or (*b*) of paragraph (1) are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (1A) otherwise applies in his case; and

(b) that relevant person or, if he is a member of a couple either the relevant person or his partner, is in receipt of either working families' tax credit or disabled person's tax credit.".

Regulation 18

7. In paragraph (7) of regulation 18 (treatment of child care charges)(**8**)—

(a) in sub-paragraph (*c*), omit the word "or";

(b) after sub-paragraph (*d*), add—

"; or

(e) by a child care provider approved by an organisation accredited by the Secretary of State for Education and Employment under the scheme established by the Tax Credit (New Category of Child Care Provider) Regulations 1999(**9**).".

Regulation 30

8. In paragraph (7A) of regulation 30 (notional income)(**10**)—

(a) in sub-paragraph (*a*), after the word "if" insert the words "the Executive is satisfied that";

(b) at the end of sub-paragraph (*b*)(i), omit the word "or"; and

(c) after sub-paragraph (*b*)(ii) add—

"; or

(**5**) S.I. 1995/755 (N.I. 2)
(**6**) Regulation 9 was amended by S.R. 1998 No. 396 and S.R. 2000 No. 325
(**7**) Regulation 17 was amended by S.R. 1998 No. 396 and S.R. 2000 No. 325
(**8**) Regulation 18 was amended by S.R. 2000 No. 62
(**9**) S.I. 1999/3110
(**10**) Regulation 30 was amended by S.R. 1998 No. 396, S.R. 1999 No. 387 and S.R. 2000 No. 325

(iii) the relevant person's or the relevant person's partner's participation in an employment or training programme as defined in regulation 19(3) of the Jobseeker's Allowance Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme.".

Regulation 31

9. In regulation 31 (modification in respect of child and young person)—

(a) in paragraph (1), for the words "disabled child premium, if any," substitute "any disabled child premium and any enhanced disability premium";

(b) in paragraphs (2) and (5), in each case, for "£5,000", substitute "£6,000".

Regulation 39

10. In paragraph (1) of regulation 39 (determination of tariff income from capital), for "£5,000" substitute "£6,000".

Regulation 40

11. In regulation 40 (interpretation)(**11**)—

(a) before the definition of "contribution", insert

""access funds" means—

(a) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993(**12**), or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997(**13**) in each case being grants, or grants, loans or other payments as the case may be, made for the purpose of assisting students in financial difficulties;

(b) grants made under section 7 of the Further and Higher Education Act 1992(**14**) and described as "learner support funds" or grants made under section 68 of that Act and described as "access bursary funds" or "hardship funds";

(c) grants made under sections 73(*a*) and (*c*) and 74(1) of the Education (Scotland) Act 1980(**15**);";

(b) in the definition of "course of study", omit the words from "and for the purposes of" to the end;

(c) for the definition of "grant" substitute—

""grant" (except in the definition of "access funds") means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds;";

(d) after the definition of "last day of the course", insert—

(**11**) Regulation 40 was amended by S.R. 1999 No. 387 and S.R. 2000 No. 325
(**12**) S.I. 1993/2810 (N.I. 12)
(**13**) S.I. 1997/1772 (N.I. 15)
(**14**) 1992 c. 13
(**15**) 1980 c. 44. The functions of the Secretary of State were transferred to Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46)

""qualifying course" has the meaning given in regulation 17A(7) of the Jobseekers Allowance Regulations;";

(e) for the definition of "sandwich course" substitute—

""sandwich course" has the meaning prescribed in regulation 5(2) of the Education (Student Support) Regulations (Northern Ireland) 2000(**16**), regulation 5(2) of the Education (Student Support) Regulations 2000(**17**), or regulation 5(2) of the Education (Student Loans) (Scotland) Regulations 2000(**18**) as the case may be;";

(f) for the definition of "student" substitute—

""student" means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

(a) a course of study at an educational establishment; or

(b) a qualifying course;".

Regulation 42

12. In regulation 42 (determination of grant income)—

(a) in paragraph (3)(**19**)—

(i) in sub-paragraph (*a*), for "£250" substitute "£255", and

(ii) in sub-paragraph (*b*), for "£303" substitute "£311";

(b) after paragraph (3), add—

"(4) Subject to paragraphs (5) and (6), a student's grant income shall be apportioned —

(a) subject to paragraph (7) in a case where it is attributable to the period of study, equally between the weeks in that period,

(b) in any other case, equally between the weeks in the period in respect of which it is payable.

(5) Any amount intended for the maintenance of dependants under Part III of Schedule 6 to the Students Awards Regulations (Northern Ireland) 2000(**20**) shall be apportioned equally over the period of 52 weeks of the year as defined for the purposes of those regulations or, if there are 53 benefit weeks (including part-weeks) in the year, 53.

(6) Any amount intended for the maintenance of dependants to which neither paragraph (5) nor regulation 44(2) (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or would have been apportioned had he had one.

(7) In the case of a student on a sandwich course, any periods of experience with the period of study shall be excluded and the student's grant income shall be apportioned equally between the remaining weeks in that period.".

(**16**) S.R. 2000 No. 213
(**17**) S.I. 2000/1121
(**18**) S.S.I. 2000/200
(**19**) Paragraph 3 of regulation 42 was substituted by S.R. 2000 No. 325, regulation 14(*b*)
(**20**) S.R. 2000 No. 311

Regulation 44

13. Regulation 44 (other amounts to be disregarded)(**21**), shall be renumbered 44(1), and the following paragraph shall be added—

"(2) Where a grant for school meals for dependent children or a grant for meals for dependent children aged 3 or 4 is paid pursuant to any regulations made under Articles 3 or 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(**22**), that payment shall be disregarded as income.".

Regulation 45

14. Regulation 45 (treatment of student loans)(**23**) shall be amended as follows—

(a) for paragraph (1), substitute—

"(1) A student loan shall be treated as income unless it is a hardship loan, in which case it shall be disregarded.

(1A) For the purposes of paragraph (1) "hardship loan" means a loan made under regulation 21 of the Education (Student Support) Regulations (Northern Ireland) 2000, regulation 21 of the Education (Student Support) Regulations 2000 or regulation 12 of the Education (Student Loans) (Scotland) Regulations 2000.";

(b) for paragraph (2), substitute—

"(2) In calculating the weekly amount of the loan to be taken into account as income —

(a) a loan which is payable in respect of a course that is of a single academic year's duration or less shall be apportioned equally between the weeks in the period beginning with—

(i) the start of the single academic year; or

(ii) where the course is of less than an academic year's duration, the first day of the course,

and ending with the last day of the course;

(b) a loan which is payable in respect of the final academic year of a course (not being a course of a single year's duration) shall be apportioned equally between the weeks in the period beginning with the earlier of—

(i) the first day of the first benefit week in September; or

(ii) the first day of the first benefit week following the beginning of the autumn term,

and ending with the last day of the last benefit week before the last day of the course;

(c) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of—

(i) the first day of the first benefit week in September; or

(ii) the first day of the first benefit week following the beginning of the autumn term,

and ending with the last day of the last benefit week in June, and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.".

(**21**) Regulation 44 was amended by S.R. 2000 No. 325
(**22**) S.I. 1998/1760 (N.I. 14)
(**23**) Regulation 45 was amended by S.R. 2000 No. 325