STATUTORY RULES OF NORTHERN IRELAND

2000 No. 325

HOUSING

Housing Renovation etc. Grants (Reduction of Grant) (Amendment No. 2) Regulations (Northern Ireland) 2000

Made - - - -	*25th October 2000*
Coming into operation	*30th November 2000*

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 No. 2) Regulations (Northern Ireland) 2000 and shall come into operation on 30th November 2000.

Amendments

2. The Housing Renovation etc. Grants (Reduction of Grant) Regulations 1997(**4**) are amended in accordance with regulations 3 to 21.

Regulation 2

3. In regulation 2(1) (interpretation) after "social fund payment", insert—

> ""sports award" means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993(**5**) out of sums allocated to it for distribution under that section;".

(**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 No. 62
(**5**) 1993 c. 39

Regulation 3

4. In regulation 3 (persons from abroad), after "or any of the applicants", insert "or any person who is not an applicant but is entitled to make an application and lives or intends to live in the dwelling or, as the case may be, a flat in the building,".

Regulation 6

5. In regulation 6 (remunerative work)(**6**), after paragraph (7), add—

"(8) A person shall not be treated as engaged in remunerative work on any day on which that person is engaged in an activity in respect of which—

(a) a sports award has been made, or is to be made, to him; and

(b) no other payment is made or is expected to be made to him.".

Regulation 9

6. In regulation 9 (the applicable amount)(**7**), for paragraph (1)(*b*) substitute:

"(b) £50 or, where the application is for a disabled facilities grant to carry out works for the benefit of a disabled person who is a child or young person, £65.".

Regulation 11

7. In regulation 11 (reduction in amount of grant)(**8**)—

(a) in paragraph (*a*)(i), for "18·75" substitute "18·10";

(b) in paragraph (*a*)(ii), for "37·50" substitute "36·20";

(c) in paragraph (*a*)(iii), for "150·02" substitute "144·82";

(d) in paragraph (*a*)(iv), for "375·04" substitute "362.04";

(e) in paragraph (*b*)(i), for "10·87" substitute "10.65";

(f) in paragraph (*b*)(ii), for "21·74" substitute "21·29";

(g) in paragraph (*b*)(iii), for "86·95" substitute "85.18";

(h) in paragraph (*b*)(iv), for "217·37" substitute "212·95";

Regulation 17

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

(a) in sub-paragraph (*a*) for "£60" substitute "£70"; and

(b) in sub-paragraph (*b*) for "£100" substitute "£105".

Regulation 23

9.—(1) At the end of paragraph (1) of regulation 23 (earnings of employed earners), add—

"(l) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with regulation 18(22) to (25) of the Social security (Contributions) Regulations (Northern Ireland) 1979(**10**);

(**6**) Regulation 6 was amended by S.R. 1999 No. 387
(**7**) Regulation 9 was amended by S.R. 1998 No. 396
(**8**) Regulation 11 was amended by S.R. 1998 No. 396 and S.R. 1999 No. 387
(**9**) Regulation 17 was amended by S.R. 1998 No. 396
(**10**) S.R. 1979 No. 186; paragraphs (22) to (25) were added by regulation 3(*d*) of S.R. 1999 No. 119

(m) any amount, where a relevant person qualifies for the national minimum wage under section 1 of the National Minimum Wage Act 1998(**11**), which under section 17 of that Act that person shall be taken to be entitled to be paid under his contract as additional remuneration in respect of any pay reference period falling within 52 weeks immediately preceding the application.".

(2) At the beginning of paragraph (2)(*a*), insert "subject to paragraph (3),".

(3) After paragraph (2), add:—

"(3) Paragraph (2)(*a*) shall not apply in respect of any non-cash voucher referred to in paragraph (1)(*l*).

(4) In this regulation, "any pay reference period" means the period prescribed by the Secretary of State for Trade and Industry in regulations made under section 1(4) of the National Minimum Wage Act 1998.".

Regulation 25

10. After "in the relevant person's care)" in paragraph (2) of regulation 25 (earnings of self-employed earners), insert "and also shall not include any sports award".

Regulation 30

11.—(1) In regulation 30(6) (notional income)(**12**)—

(a) insert immediately before sub-paragraph (*a*)—

"(za) to a third party in respect of a single relevant person or a member of his family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension or is a pension or other periodical payment made under a personal pension scheme, be treated as possessed by that single relevant person or, as the case may be, by that member;";

(b) in sub-paragraph (*a*), after "shall" insert ", where it is not a payment referred to in sub-paragraph (*za*),".

(2) In regulation 30(6A) after sub-paragraph (*c*), add—

"(d) made under an occupational pension scheme or in respect of a pension or other periodical payment made under a personal pension scheme where—

(i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980(**13**);

(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.".

Regulation 37

12.—(1) In regulation 37(3) (notional capital)(**14**)—

(a) insert immediately before sub-paragraph (*a*)—

(**11**) 1998 c. 39
(**12**) Regulation 30 was amended by S.R. 1998 No. 396 and S.R. 1999 No. 387
(**13**) 1980 c. 46
(**14**) Regulation 37 was amended by S.R. 1998 No. 396 and S.R. 1999 No. 387

"(za) if made to a third party in respect of a single relevant person or a member of his family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension or is a pension or other periodical payment made under a personal pension scheme, be treated as possessed by that single relevant person or, as the case may be, by that member;";

(b) in sub-paragraph (*a*), after "shall" insert ", where it is not a payment referred to in sub-paragraph (*za*),".

(2) In regulation 37(3A) after sub-paragraph (*b*), add—

"(c) made under an occupational pension scheme or in respect of a pension or other periodical payment made under a personal pension scheme where—

(i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;

(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.".

Regulation 40

13. In regulation 40 (interpretation)—

(a) in the definition of "contribution"(**15**) after "grant" insert "or student loan";

(b) after the definition of "student" insert—

""student loan" means a loan towards a student's maintenance pursuant to any regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998(**16**), section 22 of the Teaching and Higher Education Act 1998 (**17**) or section 73 of the Education (Scotland) Act 1980(**18**);";

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

""year", in relation to a course, means the period of 12 months beginning on 1st January, 1st April, 1st July or 1st September according to whether the academic year of the course 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.".

Regulation 42

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

(a) in paragraph (2)(*f*)(**19**) omit the words from "or" to the end;

(**15**) The definition of "contribution" was amended by S.R. 1999 No. 387

(**16**) S.I. 1998/1760 (N.I. 14); *see* the Education (Student Support) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 192) for loans to students commencing courses after 1st September 1998

(**17**) 1998 c. 30; *see* the Education (Student Support) Regulations 1999 (S.I. 1999/496) and the Education (Student Loans) Regulations 1998 (S.I. 1998/211)

(**18**) 1980 c. 44; section 73(*f*) was amended by the Teaching and Higher Education Act 1998 (c. 30), section 29(1); *see* the Education (Student Loans) (Scotland) Regulations 1999 (S.I. 1999.1001 (S. 71)) and the Education (Student Loans) Regulations 1998

(**19**) Relevant amending instrument is S.R. 1998 No. 396

(b) for paragraph (3) substitute—

"(3) Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income—

(a) the sum of £250 in respect of travel costs; and

(b) where no amount has been disregarded under sub-paragraph (2)(*f*), the sum of £303 towards the cost of books and equipment,

whether or not any such costs are incurred.".

Regulation 44

15. In regulation 44 (other amounts to be disregarded), after "(3)" insert "or 45(5).".

Regulation 45

16. In regulation 45 (treatment of student loans)—

(a) for paragraph (1) substitute—

"(1) A student loan shall be treated as income.";

(b) for paragraph (3) substitute the following paragraphs—

"(3) A student shall be treated as possessing a student loan in respect of an academic year where—

(a) a student loan has been made to him in respect of that year; or

(b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

(4) Where a student is treated as possessing a student loan under paragraph (3), the amount of the student loan to be taken into account as income shall be, subject to paragraph (5)—

(a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to—

(i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and

(ii) any contribution whether or not it has been paid;

(b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—

(i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and

(ii) no deduction in that loan was made by virtue of the application of a means test.

(5) There shall be deducted from the amount of a student's loan income—

(a) the sum of £250 in respect of travel costs; and

(b) where no amount has been disregarded under regulation 42(2)(*f*), the sum of £303 towards the cost of books and equipment,

whether or not any such costs are incurred.".