STATUTORY RULES OF NORTHERN IRELAND

2000 No. 62

HOUSING

Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 2000

Made - - - -	*3rd March 2000*
Coming into operation	*17th April 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) Regulations (Northern Ireland) 2000 and shall come into operation on 17th April 2000.

Amendments

2. The Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1997(**4**) are amended in accordance with regulations 3 to 7.

Regulation 2

3. In regulation 2 (interpretation)—

(a) for the definition of "disability working allowance", substitute the following definition—

> ""disabled person's tax credit" means a disabled person's tax credit under section 128 of the 1992 Act(**5**);"

(b) after the definition of "war widow's pension", insert—

(**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 and S.R. 1999 No. 387
(**5**) 1992 c. 7; *see* section 1(1) and Schedule 1 to the Tax Credits Act 1999 (c. 10).

""working families' tax credit" means a working families' tax credit under section 127 of the 1992 Act(**6**);"

(c) after the definition of "earnings", insert—

""education and library board" means an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(**7**);".

Regulation 18

4. In regulation 18 (treatment of child care charges)—

(a) in paragraph (4)(**8**), for the definition of "relevant child care charges" substitute—

""relevant child care charges" are those charges for care to which paragraphs (5) and (6) apply, and shall be calculated on a weekly basis in accordance with paragraph (2).";

(b) after paragraph (4) add—

"(5) This paragraph applies to charges paid by the relevant person for care which is provided—

(a) in the case of any child of the relevant person's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday;

(b) in the case of any child of the relevant person's family who is disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's sixteenth birthday.

(6) This paragraph applies to charges paid for care which is provided in accordance with paragraph (7) but not paid—

(a) in respect of the child's compulsory education; or

(b) by a relevant person to a partner or by a partner to a relevant person in respect of any child for whom either of any of them is responsible in accordance with regulation 7 (circumstances in which a person is to be treated as responsible or not responsible for another).

(7) The care to which paragraph (6) refers may be provided—

(a) by persons registered under Article 118 of the Children (Northern Ireland) Order 1995(**9**) (registration of childminders and persons providing day care);

(b) out of school hours, by a school on school premises or by an education and library board or a Health and Social Services trust—

(i) for children who are not disabled in respect of the period beginning on, and including, their twelfth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday, or

(ii) for children who are disabled in respect of the period beginning on, and including, their twelfth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday;

(**6**) *See* section 1(1) and Schedule 1 to the Tax Credits Act 1999 (c. 10)
(**7**) S.I. 1986/594 (N.I. 3)
(**8**) Relevant amending instrument is S.R. 1998 No. 396
(**9**) S.I. 1995/755 (N.I. 2); to which there are no relevant amendments

(c) by a child care scheme operating on Crown property where registration under Article 118 of the Children (Northern Ireland) Order 1995 is not required; or

(d) in schools or establishments to which Article 118 of the Children (Northern Ireland) Order 1995 does not apply by virtue of Article 121(1) to (3) of that Order.

(8) For the purposes of paragraphs (5) to (7)—

(a) a person shall be treated as a child in respect of the period commencing on his sixteenth birthday and ending on the day preceding the first Monday in September following his sixteenth birthday; and

(b) a child is disabled if he is a child—

(i) in respect of whom disability living allowance is payable, or has ceased to be payable solely because he is a patient;

(ii) who is identified as blind in pursuance of arrangements under section 1(1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(**10**);

(iii) who ceased to be identified as blind under such arrangements within the 28 weeks immediately preceding the date of claim.".

Regulation 24 and 26

5. In regulation 24(2) (determination of net earnings of employed earners) and 26(2) (determination of net profit of self-employed earners), in each case—

(a) before "paragraphs" insert "any of"; and

(b) for "14" substitute "16 or 18".

Schedule 2

6. At the end of Schedule 2 (sums to be disregarded in the determination of earnings) add—

"**18.**—(1) In a case where the relevant person is a person who satisfies the conditions set out in either sub-paragraph (2) or (3), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (4), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10 of this Schedule shall be increased by an amount equal to either—

(a) the tax credit referred to in regulation 46(1)(*aa*) of the Family Credit Regulations if he satisfies the conditions of sub-paragraph (2); or

(b) the tax credit referred to in regulation 51(1)(*bb*) of the Disability Working Allowance Regulations if he satisfies the conditions of sub-paragraph (3),

and in a case where the relevant person satisfies the conditions of both sub-paragraphs (2) and (3), his disregarded earnings shall be increased by the higher of the two amounts, or if they are the same, by that amount.

(2) The conditions of this sub-paragraph are that—

(a) the relevant person or, if he is a member of a couple, either the relevant person or his partner, is a person to whom regulation 46(1)(*aa*) of the Family Credit Regulations applies; or

(**10**) 1978 c. 53