STATUTORY RULES OF NORTHERN IRELAND

1998 No. 396

HOUSING

Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 1998

Made - - - -	*11th November 1998*
Coming into operation	*21st December 1998*

The Department of the Environment, in exercise of the powers conferred on it by Article 47 of the Housing (Northern Ireland) Order 1992(**1**) 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) 1998 and shall come into operation on 21st December 1998.

Amendments

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

Regulation 2

3. In regulation 2 (interpretation)–

(a) after the definition of "council tax benefit", insert–

> ""Crown property" means property held by Her Majesty in right of the Crown or by a government department or which is held in trust for Her Majesty for the purposes of a government department, except (in the case of an interest held by Her Majesty in right of the Crown) where the interest is under the management of the Crown Estate Commissioners;
>
> "Crown Estate Commissioners" have the same meaning as in the Interpretation Act 1978(**3**);";

(**1**) S.I.1992/1725 (N.I. 15). *See* Article 2(2) for the definition of "the Department"
(**2**) S.R. 1997 No. 456
(**3**) 1978 c. 30

(b) after the definition of "invalid carriage or other vehicle", insert–

""the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**4**);";

(c) in the definition of "young person", after "income support" insert "or income-based jobseeker's allowance".

Regulation 9

4. In regulation 9(2) (the applicable amount) in sub-paragraph (*a*) after "in receipt" insert "(and entitled to be in receipt)".

Regulation 11

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

(a) in paragraph (*a*)(i), for "18.17" substitute "17.39";

(b) in paragraph (*a*)(ii), for "36.33" substitute "34.78";

(c) in paragraph (*a*)(iii), for "145.32" substitute "139.13";

(d) in paragraph (*a*)(iv), for "363.30" substitute "347.82";

(e) in paragraph (*b*)(i), for "10.67" substitute "10.40";

(f) in paragraph (*b*)(ii), for "21.34" substitute "20.80";

(g) in paragraph (*b*)(iii), for "85.35" substitute "83.22"; and

(h) in paragraph (*b*)(iv), for "213.38" substitute "208.04".

Regulation 12

6. In regulation 12(2) (successive applications), at the end of sub-paragraph (*a*) insert "or regulations 10 and 11 of the Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1992(**5**)".

Regulation 17

7.—(1) In regulation 17(1) (determination of income on a weekly basis), for "£60 per week", substitute–

"whichever of the sums specified in paragraph (1A) applies in his case.".

(2) After regulation 17(1) insert–

"(1A) The maximum deduction for the purposes of paragraph (1) is–

(a) where the relevant person's family includes only one child in respect of whom relevant child care charges are paid, £60 per week; and

(b) where the relevant person's family includes more than one child in respect of whom relevant child care charges are paid, £100 per week.".

Regulation 18

8. For regulation 18(4) (treatment of child care charges), substitute–

"(4) In this regulation–

(**4**) S.R. 1996 No. 198; the relevant amending regulations are S.R. 1998 No. 182, S.R. 1998 No. 198 and S.R. 1998 No. 541

(**5**) S.R. 1992 No. 412, amended by S.R. 1993 No. 399, S.R. 1994 No. 348 and S.R. 1996 No. 110 and revoked by S.R. 1997 No. 456

"relevant child care charges" means the charges paid by the relevant person for care provided for any child of the relevant person's family in respect of the period beginning on, and including, that child's date of birth and ending on the day preceding the first Monday in September following that child's twelfth birthday, other than charges paid in respect of the child's compulsory education or charges paid by the relevant person to a partner or by a partner to a relevant person in respect of any child for whom either or 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), where the care is provided–

(a) by persons registered under Article 118 of the Children (Northern Ireland) Order 1995(**6**) (registration of childminders and persons providing day care);

(b) 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

(c) by 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,

and shall be determined on a weekly basis in accordance with paragraph (2)."

Regulation 28

9. In regulation 28(1) (determination of income other than earnings), for "(annuity treated as income)", substitute "(capital treated as income)".

Regulation 29

10. For regulation 29 (annuity treated as income), substitute–

"**Capital treated as income**

29. Any payment received under an annuity shall be treated as income."

Regulation 30

11.—(1) In regulation 30(2) (notional income), omit "or" at the end of sub-paragraph (*b*) and insert at the end of sub-paragraph (*c*)–

"; or

(d) any sum to which paragraph 45, 46 or 47 of Schedule 4 refers".

(2) In regulation 30(6) for "other than" to "the fund" substitute "other than any of the payments referred to in paragraph (6A)".

(3) After regulation 30(6) insert–

"(6A) The payments for the purposes of the exclusion in paragraph (6) are any payment of income–

(a) made under any of the MacFarlane Trusts, the Independent Living Funds or the Fund;

(b) made pursuant to section 19(1)(*a*) of the Coal Industry Act 1994(**7**) (concessionary coal), or

(**6**) S.I. 1995/755 (N.I. 2)
(**7**) 1994 c. 21

(c) made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950(**8**) in respect of a person's participation in an employment programme specified in regulation 75(1)(*a*) of the Jobseeker's Allowance Regulations or in a training scheme specified in regulation 75(1)(*b*)(ii) of those Regulations.".

(4) In regulation 30(7), at the end add "or to a service performed in connection with a relevant person's participation in an employment or training programme in accordance with regulation 19(1)(*p*) of the Jobseeker's Allowance Regulations".

Regulation 37

12.—(1) In regulation 37(2) (notional capital), omit "or" at the end of sub-paragraphs (*a*), (*b*) and (*c*) and at the end of sub-paragraph (*d*), insert–

"; or

(e) any sum to which paragraph 45, 46 or 47 of Schedule 4 refers".

(2) In regulation 37(3), after "the Independent Living Fund" insert "or pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of a person's participation in an employment programme specified in regulation 75(1)(*a*) of the Jobseeker's Allowance Regulations or in a training scheme specified in regulation 75(1)(*b*)(ii) of those Regulations".

Regulation 42

13. In regulation 42(2)(*f*) (determination of grant income), for "£280", substitute "£295".

Schedule 1

14.—(1) In paragraph 1 of Part I of Schedule 1 (applicable amounts; personal allowances), in the column headed "*Column (2) Amount*"–

(a) in sub-paragraph 1(*a*), for "£38.90" substitute "£39.85";

(b) in sub-paragraph 1(*b*), for "£49.15" substitute "£50.35";

(c) in sub-paragraph 2(*a*), for "£38.90" substitute "£39.85";

(d) in sub-paragraph 2(*b*), for "£49.15" substitute "£50.35";

(e) in sub-paragraph 3(*a*), for "£58.70" substitute "£60.10";

(f) in sub-paragraph 3(*b*), for "£77.15" substitute "£79.00".

(2) For paragraph 2 of Part I of Schedule 1 (applicable amounts; personal allowances), substitute–

"**2.** The amounts specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of regulations 13(*b*) and 14(*c*)–

Column (1) *Child or Young Person*		Column (2) *Amount*	
Person aged– (a) less than 11		(a)	£17.30;
(b)	not less than 11 but less than 16	(b)	£25.35;
(c)	not less than 16 but less than 19	(c)	£30.30."

(**8**) 1950 c. 29 (N.I.); section 1(1) was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))