STATUTORY RULES OF NORTHERN IRELAND

1997 No. 456

HOUSING

Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1997

Made - - - -	*15th October 1997*
Coming into operation	*24th November 1997*

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2) and 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:

Part I

General

Citation and commencement

1. These Regulations may be cited as the Housing Renovation, etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1997 and shall come into operation on 24th November 1997.

Interpretation

2.—(1) In these Regulations—

"the Order" means the Housing (Northern Ireland) Order 1992;

"application" means an application within Article 47(1) of the Order;

"assessment period" means such period as is prescribed in regulations 19 to 21 over which income falls to be determined;

"attendance allowance" means—

(a) an attendance allowance under section 64 of the 1992 Act;

(b) an increase of disablement pension under section 104 of that Act;

(**1**) S.I. 1992/1725 (N.I. 15). *See* Article 2(2) for the definition of "the Department"

(c) a payment under regulations made in exercise of the power conferred by paragraph 4(2)(*b*) of Schedule 8 to that Act;

(d) a payment analogous to a payment by way of an increase of an allowance payable in respect of constant attendance under paragraph 4 of Schedule 8 to the Social Security Contributions and Benefits Act 1992(**2**);

(e) a payment by virtue of Article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983(**3**) or any analogous payment;

(f) any payment based on need for attendance which is paid as part of a war disablement pension;

"charity" has the meaning given by section 35 of the Charities Act (Northern Ireland) 1964(**4**), and "charitable body" shall be construed accordingly;

"child" means a person under the age of 16;

"child benefit" means a child benefit under Part IX of the 1992 Act;

"close relative" means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple;

"community charge benefit" means community charge benefits under Part VII of the Social Security Contributions and Benefits Act 1992(**5**);

"community charge rebate" means a rebate under the provisions of section 24(*a*) of the Abolition of Domestic Rates, Etc, (Scotland) Act 1987(**6**);

"concessionary payment" means a payment made under arrangements made by the Department of Health and Social Services, with the consent of the Department of Finance and Personnel, which is charged either to the Northern Ireland National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit under the 1992 Act are charged;

"council tax benefit" means council tax benefit under Part VII of the Social Security Contributions and Benefits Act 1992;

"disability living allowance" means a disability living allowance under section 71 of the 1992 Act;

"disability working allowance" means a disability working allowance under section 128 of the 1992 Act;

"earnings" has the meaning assigned by regulation 23 or, as the case may be, 25;

"employed earner" means a person who is gainfully employed in Northern Ireland or the Republic of Ireland either under a contract of service, or in an office (including elective office) with emoluments chargeable to income tax under Schedule E or, as the case may be, chargeable under the legislation of the Republic of Ireland which is analogous to income tax under Schedule E, and also includes a person who is in receipt of a payment which is payable under any statutory provision having effect in Great Britain and which corresponds to statutory sick pay or statutory maternity pay(**7**);

"family" means—

(a) a married or unmarried couple;

(**2**) 1992 c. 4; to which there are no relevant amendments
(**3**) S.I. 1983/686; the relevant amending instrument is S.I. 1984/1675
(**4**) 1964 c. 33 (N.I.); to which there are no relevant amendments
(**5**) 1992 c. 4; to which there are no relevant amendments
(**6**) 1987 c. 47; section 24 was amended by paragraph 32 of Schedule 12 to the Local Government Finance Act 1988 c. 41
(**7**) *See* the Social Security Contributions and Benefits Act 1992 (c. 4), Parts XI and XII; to which there are no relevant amendments

(b) a married or unmarried couple and a member of the same household for whom one of them is, or both are, responsible and who is a child or a young person;

(c) a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;

"the Fund" means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992, or in Scotland, on 10th April 1992;

"Health and Social Services Board" means a Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**8**);

"higher rate" where it relates to rates of tax means any rate of income tax determined in pursuance of section 1(2)(*b*) of the Income and Corporation Taxes Act 1988(**9**);

"housing benefit" means housing benefit under Part VII of the 1992 Act;

"incapacity benefit" means short-term incapacity benefit or long-term incapacity benefit under section 30A of the 1992 Act(**10**) (incapacity benefit: entitlement);

"income-based job-seeker's allowance" means an income-based jobseeker's allowance within Article 3(4) of the Jobseekers (Northern Ireland) Order 1995(**11**);

"income-related benefit" means any benefit to which section 122(1) of the 1992 Act refers;

"income support" means income support under Part VII of the 1992 Act;

"the Independent Living Fund" means the charitable trust established out of funds provided by the Secretary of State for Social Services for the purpose of providing financial assistance to those persons incapacitated by, or otherwise suffering from, very severe disablement who are in need of such assistance to enable them to live independently;

"the Independent Living (Extension) Fund" means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;

"the Independent Living (1993) Fund" means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;

"invalid carriage or other vehicle" means a vehicle propelled by petrol engine or electric power supplied for use on the road and to be controlled by the occupant;

"lone parent" means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

"long-term incapacity benefit" means long-term incapacity benefit under Part II of the 1992 Act;

"lower rate" where it relates to rates of tax has the same meaning as in the Income and Corporation Taxes Act 1988 by virtue of section 832(1) of that Act(**12**);

"the Macfarlane Trust" means the charitable trust, established partly out of funds provided by the Secretary of State for Social Services to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

(**8**) S.I. 1972/1265 (N.I. 14); to which there are no relevant amendments
(**9**) 1988 c. 1 section 1(2)(*b*) was substituted by section 24(2)(*a*) of the Finance Act 1988 c. 39 and amended by Article 2(2)(*b*) of S.I. 1993/755
(**10**) Section 30A was inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))
(**11**) S.I. 1995/2705 (N.I. 15); to which there are no relevant amendments
(**12**) 1988 c. 1; the definition of "lower rate" was inserted by section 9(9) of the Finance Act 1992 c. 20

"the Macfarlane (Special Payments) (No. 2) Trust" means the trust of that name, established on 3rd May 1991, partly out of funds provided by the Secretary of State for Social Security for the benefit of certain persons suffering from haemophilia and other beneficiaries;

"the Macfarlane (Special Payments) Trust" means the trust of that name, established on 29th January 1990, partly out of funds provided by the Secretary of State for Social Security for the benefit of certain persons suffering from haemophilia;

"married couple" has the meaning assigned to it by section 133 of the 1992 Act;

"maternity leave" means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part IX of the Employment Rights (Northern Ireland) Order 1996(**13**);

"member of a couple" means a member of a married or unmarried couple;

"mobility supplement" means a supplement to which paragraph 7 of Schedule 3 refers;

"net earnings" means such earnings as are determined in accordance with regulation 24;

"net profit" means such profit as is determined in accordance with regulation 26;

"non-dependant" has the meaning assigned by regulation 5;

"occupational pension" means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

"partner" means—

(a) where a person is a member of a married or unmarried couple, the other member of that couple; or

(b) where a person is polygamously married to two or more members of his household, any such member;

"payment" includes part of a payment;

"pension fund holder" means with respect to a personal pension scheme or retirement annuity contract, the trustees, managers or scheme administrators, as the case may be, of the scheme or contract concerned;

"personal pension scheme" has the same meaning as in section 1 of the Pension Schemes (Northern Ireland) Act 1993(**14**) and, in the case of a self-employed earner, includes a scheme approved by the Board of Inland Revenue under Chapter IV of Part XIV of the Income and Corporation Taxes Act 1988(**15**);

"policy of life insurance" means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

"polygamous marriage" means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy;

"qualifying person" means a person in respect of whom payment has been made from the Fund;

"rates" has the same meaning as in the Rates (Northern Ireland) Order 1977(**16**);

(**13**) S.I. 1996/1919 (N.I. 16); to which there are no relevant amendments
(**14**) 1993 c. 49; to which there are no relevant amendments
(**15**) 1988 c. 1; to which there are no relevant amendments
(**16**) S.I. 1977/2157 (N.I. 28); as amended by Article 3(2) of the Rates (Amendment) (Northern Ireland) Order 1983 (S.I. 1983/421 (N.I. 7))

"relevant person" has the meaning assigned by regulation 4;

"remunerative work" has the meaning assigned by regulation 6;

"a retirement annuity contract" means a contract or trust scheme approved under Chapter III of Part XIV of the Income and Corporation Taxes Act 1988;

"self-employed earner" means a person who is gainfully employed in Northern Ireland or the Republic of Ireland otherwise than in employed earner's employment (whether or not he is also employed in such employment);

"short-term incapacity benefit" means short-term incapacity benefit under Part II of the 1992 Act;

"single person" means a person who neither has a partner nor is a lone parent;

"social fund payment" means a payment under section 134 of the 1992 Act;

"statutory maternity pay" means a statutory maternity pay under Part XII of the 1992 Act;

"statutory sick pay" means statutory sick pay under Part XI of the 1992 Act;

"student" has the meaning assigned by regulation 40;

"supplementary benefit" means a supplementary pension or allowance under Article 3 or 6 of the Supplementary Benefits (Northern Ireland) Order 1977(**17**);

"the 1992 Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**18**);

"training allowance" has the meaning given by regulation 2(1) of the Housing Benefit (General) Regulations (Northern Ireland) 1987(**19**);

"unmarried couple" means a man and woman who are not married to each other but are living together as husband and wife;

"voluntary organisation" means any association carrying on any activities otherwise than for the purpose of gain by the association or by individual members;

"war disablement pension" has the meaning assigned by section 146(2) of the 1992 Act;

"war widow's pension" has the meaning assigned by section 146(2) of the 1992 Act;

"year of assessment" has the meaning assigned by section 832(1) of the Income and Corporation Taxes Act 1988;

"young person" means a person, not being a person who is in receipt of income support or a person who is receiving advanced education within the meaning of regulation 12(2) of the Income Support (General) Regulations (Northern Ireland) 1987(**20**) (relevant education), aged 16 or over but under 19 who is treated as a child for the purposes of section 138 of the 1992 Act (meaning of child).

(2) For the purposes of these Regulations, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

(3) For the purposes of these Regulations, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day—

(**17**) S.I. 1977/2156 (N.I. 27); provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 18)), are set out in Part II of that Schedule. Articles 3 and 6 were repealed with effect from 11th April 1988 by Schedule 10 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

(**18**) 1992 c. 7

(**19**) S.R. 1987 No. 461; the definition of "training allowance" was inserted by regulation 2(*c*) of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1990 (S.R. 1990 No. 136)

(**20**) S.R. 1987 No. 459; relevant amending regulations are S.R. 1990 No. 131