STATUTORY RULES OF NORTHERN IRELAND

1996 No. 110

HOUSING

Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*20th March 1996*
Coming into operation	*19th April 1996*

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, and with the consent of the Department of Finance and Personnel, hereby makes the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 19th April 1996.

(2) In these Regulations—

(a) "the principal regulations" means the Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1992(**2**); and

(b) "the 1992 Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**3**).

Amendment of the Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1992

2. The Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1992 shall be amended as provided by regulations 3 to 20.

Amendment of regulation 2 of the principal Regulations

3. In regulation 2(1) (Interpretation)—

(**1**) S.I.1992/1725 (N.I. 15). *See* Article 2(2) for the definition of "the Department"
(**2**) S.R. 1992 No. 412 as amended by S.R. 1993 No. 399 and S.R. 1994 No. 348
(**3**) 1992 c. 7

(a) at the end of the definition of "employed earner", there shall be inserted "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(**4**)";

(b) there shall be inserted in the appropriate places the following definitions—

""charity" has the meaning given by section 35 of the Charities Act (Northern Ireland) 1964(**5**), and "charitable body" shall be construed accordingly;

"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(**6**);

"incapacity benefit" means long-term incapacity benefit or short-term incapacity benefit under Part II of the 1992 Act(**7**);

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

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

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

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

"the 1992 Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**8**); and

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

Amendment of regulation 10 of the principal Regulations

4. In regulation 10 (Reduction in amount of grant)—

(a) in paragraph (*a*)(i), for "17·76" there shall be substituted "17·23";

(b) in paragraph (*a*)(ii), for "35·52" there shall be substituted "34·46";

(c) in paragraph (*a*)(iii), for "142·06" there shall be substituted "137·84";

(d) in paragraph (*a*)(iv), for "355·15" there shall be substituted "344·61";

(e) in paragraph (*b*)(i), for "10·51" there shall be substituted "10·34";

(f) in paragraph (*b*)(ii), for "21·02" there shall be substituted "20·69";

(g) in paragraph (*b*)(iii), for "84·09" there shall be substituted "82·76"; and

(h) in paragraph (*b*)(iv), for "210·23" there shall be substituted "206·89".

Amendment of regulation 16 of the principal Regulations

5. In regulation 16 (Determination of income on a weekly basis)—

(**4**) *See* the Social Security Contributions and Benefits Act 1992 (c. 4), Parts XI and XII
(**5**) 1964 c. 33 (N.I.)
(**6**) 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
(**7**) Part II was amended by Articles 3 to 5 of, and paragraphs 2 to 7 of Part I of Schedule 1 to, the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 S.I. 1994/1898 (N.I. 12)
(**8**) 1992 c. 7

(a) at the end of paragraph (1)(*d*) there shall be added—

", and by then deducting the average weekly relevant child care charge, determined in accordance with regulation 16A (treatment of child care charges), up to a maximum deduction in respect of the relevant person's family of £40 per week."; and

(b) in paragraph (2), after "28 (notional income)" there shall be inserted ", 40 (determination of grant income)".

6. After regulation 16 there shall be inserted—

"**Treatment of child care charges**

16A.—(1) This regulation applies where a relevant person has incurred relevant child care charges and—

(a) is a lone parent and is engaged in remunerative work;

(b) is a member of a couple both of whom are engaged in remunerative work; or

(c) is a member of a couple where one member is engaged in remunerative work and the other member is incapacitated.

(2) Relevant child care charges shall be determined over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of the charge provided by the child minder or person providing the care.

(3) For the purposes of paragraph (1)(*c*) the other member of a couple is incapacitated where—

(a) the relevant person's applicable amount includes—

(i) a disability premium; or

(ii) a higher pensioner premium by virtue of the satisfaction of paragraph 10(2)(b) of Schedule 1;

on account of the other member's incapacity;

(b) the relevant person's applicable amount would include a disability premium or a higher pensioner premium on account of the other member's incapacity, but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations(**9**) made under section 167E of the 1992 Act(**10**) (Incapacity for work: disqualification, etc.);

(c) the relevant person (within the meaning of regulation 3) is or is treated as incapable of work, and has been so incapable or has been so treated as incapable of work in accordance with the provisions of, and regulations made under, Part XIIA of the 1992 Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;

(d) there is payable in respect of him one or more of the following—

(i) long-term incapacity benefit, or short-term incapacity benefit at the higher rate, under Schedule 4 to the 1992 Act(**11**) (rates of benefits, etc.);

(**9**) *See* the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 41) and the Social Security (Incapacity for Work) (Miscellaneous Amendment) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 149)
(**10**) Section 167E was inserted into the 1992 Act by Article 8(1) of S.I. 1994/1898 (N.I. 12)
(**11**) Schedule 4, Part I, paragraph 2 of the 1992 Act was amended by Article 4(2) of S.I. 1994/1898 (N.I. 12)

(ii) attendance allowance under section 64 of that Act (entitlement to an attendance allowance);

(iii) severe disablement allowance under section 68 of that Act(**12**) (severe disablement allowance: entitlement and rate);

(iv) disability living allowance under section 71 of that Act (disability living allowance);

(v) increase of disablement pension under section 104 of that Act (increase where constant attendance needed);

(vi) a pension increase under a war pension scheme or an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (v);

(e) a pension or allowance to which head (ii), (iv), (v) or (vi) of sub-paragraph (*d*) refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient within the meaning of regulation 18(2) of the Housing Benefit (General) Regulations (Northern Ireland) 1987(**13**) (patients);

(f) sub-paragraph (*d*) or (*e*) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding statutory provision having effect in Great Britain(**14**); or

(g) he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(*a*) of and Schedule 2 to the National Health Service Act 1977(**15**) (provision of vehicles for those suffering disability) or under section 46 of the National Health Service (Scotland) Act 1978(**16**) (provision of vehicles for persons suffering from physical defect or disability) or provided by the Department of Health and Social Services for Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972(**17**) (provision of vehicles for persons suffering from physical defect or disability).

(4) In this regulation—

"relevant child care charges" means the charges paid by the relevant person for care provided for any child of the relevant person's family who is under the age of 11 years, other than charges paid in respect of the child's compulsory education, where the care is provided on premises registered under section 11 of the Children and Young Persons Act (Northern Ireland) 1968 (registration of premises of child-minders)(**18**) and shall be determined on a weekly basis in accordance with paragraph (2).".

Amendment of regulation 18 of the principal Regulations

7. For regulation 18 (Average weekly earnings of self-employed earners), there shall be substituted—

"**18.** Where the income of a relevant person consists of or includes earnings from employment as a self-employed earner, his average weekly earnings from such employment

(**12**) Section 68 was amended by Article 13 of, and by paragraph 18 of Schedule 1 and by Schedule 2 to, S.I. 1994/1898 (N.I. 12)
(**13**) S.R. 1987 No. 461
(**14**) S.I. 1994/1924
(**15**) 1977 c. 49; Section 5(2) was amended and subsection (2A) inserted by section 1 of the Public Health Laboratory Service Act 1979 (c. 23), and subsection (2B) was inserted by Section 9 of the Health and Social Security Act 1984 (c. 48)
(**16**) 1978 c. 29
(**17**) S.I. 1972/1265 (N.I. 14)
(**18**) 1968 c. 34 (N.I.)

shall be determined by reference to his earnings from such employment, over the period of 52 weeks immediately preceding the application or, where his earnings from such employment fluctuate, over such other lesser period immediately preceding the application as may enable his average weekly earnings to be determined more accurately".

Amendment of regulation 19 of the principal Regulations

8. For regulation 19 (Average weekly income other than earnings), there shall be substituted—

"**19.** Any part of a relevant person's income which does not consist of earnings shall be determined by reference to such income over the period of 52 weeks immediately preceding the application or, where such income fluctuates, over such lesser period immediately preceding the application as may enable his average weekly income to be determined more accurately.".

Amendment of regulation 22 of the principal Regulations

9. In regulation 22 (Determination of net earnings of employed earners)—

(a) at the end of sub-paragraph (3)(*a*) the word "and" shall be omitted;

(b) for sub-paragraph (3)(*b*) there shall be substituted—

"(b) one-half of any sum paid by the relevant person by way of a contribution towards an occupational pension scheme;

(c) one-half of the amount calculated in accordance with paragraph (4) in respect of any qualifying contribution payable by the relevant person; and

(d) where those earnings include 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, any amount deducted from those earnings by way of any contributions which are payable under any statutory provision having effect in Great Britain and which correspond to primary Class 1 contributions under the 1992 Act.";

(c) after paragraph (3) there shall be inserted—

"(3A) The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this regulation the daily amount of the qualifying contribution shall be determined—

(a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;

(b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.";

(d) after paragraph (4) there shall be added—

"(5) In this regulation "qualifying contribution" means any sum which is payable periodically as a contribution towards a personal pension scheme.".

Amendment of regulation 23 of the principal Regulations

10. For regulation 23 (Earnings of self-employed earners) for paragraph (2) there shall be substituted—

"(2) "Earnings" shall not include any payment to which paragraph 24 or 25 of Schedule 3 refers (payments in respect of a person accommodated with the relevant person under