1994 No. 348

HOUSING

Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 1994

Made	*8th September 1994*
Coming into operation . .	*17th October 1994*

The Department of the Environment, in exercise of the powers conferred on it by Article 47 of the Housing (Northern Ireland) Order 1992(**a**) 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, commencement and interpretation

1.—(1) These regulations may be cited as the Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 17th October 1994.

(2) In these regulations ''the principal regulations'' means the Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1992(**b**).

Amendment of regulation 2 of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation)—

(*a*) the definition of ''boarder'' shall be omitted;

(*b*) after the definition of ''the Independent Living Fund'' there shall be inserted the following definitions—

'' ''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;'';

(*c*) after the definition of ''married couple'' there shall be inserted the following definition—

(**a**) S.I. 1992/1725 (N.I. 15). *See* Article 2(2) for the definition of ''the Department''
(**b**) S.R. 1992 No. 412 as amended by S.R. 1993 No. 399

"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 Articles 15 and 28 to 30 of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(**a**);

(*d*) after the definition of "payment" there shall be inserted the following definition—

" "personal pension scheme" has the same meaning as in section 167(1) of the Social Security Administration (Northern Ireland) Act 1992(**b**) 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(**c**);".

Amendment of regulation 5 of the principal regulations

3. In regulation 5 of the principal regulations (remunerative work) after paragraph (5) there shall be added the following paragraph—

"(6) A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave or is absent from work because he is ill.".

Amendment of regulation 7 of the principal regulations

4. In regulation 7 of the principal regulations (circumstances in which a person is to be treated as being or not being a member of the household)—

(*a*) in paragraph (1) for the words "where any of them is absent from the dwelling occupied as his home" there shall be substituted the words "notwithstanding that any of them is temporarily living away from the other members of his family";

(*b*) after paragraph (1) there shall be inserted the following paragraph—

"(1A) Paragraph (1) shall not apply to a person who is living away from the other members of his family where—

(*a*) that person does not intend to resume living with the other members of his family; or

(*b*) his absence from the other members of his family is likely to exceed 52 weeks, unless there are exceptional circumstances (for example where the person is in hospital or otherwise has

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(**a**) S.I. 1976/2147 (N.I. 28); Article 15 was amended by paragraph 38 of Schedule 7 to the Nurses, Midwives and Health Visitors Act 1979 (c. 36), Article 13(1) and (2) of and Schedule 3 to the Industrial Relations (Northern Ireland) Order 1982 (S.I. 1982/528 (N.I. 8)) and paragraph 48 of Schedule 9 and Schedule 10 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)); Article 28 was amended by paragraph 15 of Schedule 5 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)); Article 29 was amended by Article 13(3) of the Industrial Relations (Northern Ireland) Order 1982 and Article 30 was amended by Schedule 2 to the Industrial Relations (Northern Ireland) Order 1982

(**b**) 1992 c. 8; section 167(1) was amended by section 184 of, and paragraph 42 of Schedule 7 to, the Pension Schemes (Northern Ireland) Act 1993 c. 49

(**c**) 1988 c. 1

no control over the length of his absence) and the absence is unlikely to be substantially more than 52 weeks.''.

Amendment of regulation 10 of the principal regulations

5. In regulation 10 of the principal regulations (reduction in amount of grant)—

(*a*) in paragraph (*a*)(i) for ''17·1'' there shall be substituted ''17·76'';

(*b*) in paragraph (*a*)(ii) for ''34·2'' there shall be substituted ''35·52'';

(*c*) in paragraph (*a*)(iii) for ''136·8'' there shall be substituted ''142·06'';

(*d*) in paragraph (*a*)(iv) for ''341'' there shall be substituted ''355·15'';

(*e*) in paragraph (*b*)(i) for ''10·28'' there shall be substituted ''10·51'';

(*f*) in paragraph (*b*)(ii) for ''20·56'' there shall be substituted ''21·02'';

(*g*) in paragraph (*b*)(iii) for ''82·22'' there shall be substituted ''84·09'';

(*h*) in paragraph (*b*)(iv) for ''205·55'' there shall be substituted ''210·23''.

Amendment of regulation 12 of the principal regulations

6. In regulation 12(*b*) of the principal regulations (applicable amounts) for the words ''except where otherwise provided'' there shall be substituted the words ''except as provided in regulation 29(5)(**a**) (modifications in respect of child and young person)''.

Amendment of regulation 13 of the principal regulations

7. In regulation 13(*c*) of the principal regulations (polygamous marriages) for the words ''except where otherwise provided'' there shall be substituted the words ''except as provided in regulation 29(5) (modifications in respect of child and young person)''.

Amendment of regulation 18 of the principal regulations

8. In regulation 18 of the principal regulations (average weekly earnings of self-employed earners) for the words ''52 weeks'' there shall be substituted the words ''one year''.

Amendment of regulation 20 of the principal regulations

9. In regulation 20 of the principal regulations (determination of weekly income)—

(*a*) for the words ''For the purposes of regulations 17 to 19 (average weekly income)'' there shall be substituted the words ''(1) For the purposes of regulations 17 (average weekly earnings of employed earners) and 19 (average weekly income other than earnings)'';

(*b*) after paragraph (1) there shall be added the following paragraph—

''(2) For the purposes of regulation 18 (average weekly earnings of self-employed earners) the weekly amount shall be determined by

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(**a**) Added by regulation 16(*c*) of these regulations

dividing the relevant person's earnings during the assessment period by the number equal to the number of days in the assessment period and multiplying the quotient by 7.''.

Amendment of regulation 21 of the principal regulations

10. In regulation 21 of the principal regulations (earnings of employed earners)—

(*a*) in sub-paragraph (i) after the words ''that Act'' there shall be inserted the words ''or a corresponding payment under any statute of the Parliament of the United Kingdom extending solely to Great Britain'';

(*b*) after sub-paragraph (*j*) there shall be added the following sub-paragraph—

''(*k*) any remuneration paid by or on behalf of an employer to the relevant person who for the time being is on maternity leave or is absent from work because he is ill.''.

Amendment of regulation 23 of the principal regulations

11. For regulation 23 of the principal regulations (earnings of self-employed earners) there shall be substituted the following regulation—

''23.—(1) Subject to paragraph (2), ''earnings'', in the case of employment as a self-employed earner, means the gross income of the employment and shall include any allowance payable pursuant to provision or arrangements made by the Department of Economic Development(**a**) under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(**b**) or section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**c**) or any equivalent allowance payable under Republic of Ireland legislation to the relevant person for the purpose of assisting him in carrying on his business, unless at the date of the application the allowance has been terminated.

(2) ''Earnings'' shall not include any payment to which paragraph 25 of Schedule 3 refers (sums to be disregarded in the determination of income other than earnings).''.

Amendment of regulation 24 of the principal regulations

12. In regulation 24 of the principal regulations (determination of net profit of self-employed earners)—

(**a**) *See* S.R. & O. (N.I.) 1964 No. 205, Article 3 for change in style of Ministry of Labour and National Insurance to Ministry of Health and Social Services; S.R. & O. (N.I.) 1973 No. 504, Article 6 for transfer of functions from Ministry of Health and Social Services to Department of Manpower Services and S.I. 1982/846 (N.I. 11), Article 3 for renaming the Department of Manpower Services the Department of Economic Development

(**b**) 1945 c. 6 (N.I.); sections 2 and 3 were amended by section 1 of the Disabled Persons (Employment) Act (Northern Ireland) 1960 c. 4 (N.I.) and Schedule 18 to the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))

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

(*a*) for the words ''one half of any qualifying premium payable'' in each place where they occur there shall be substituted the words ''one half of the amount calculated in accordance with paragraph (11A) in respect of any qualifying premium'';

(*b*) for paragraph (11) there shall be substituted the following paragraphs—

''(11) In this regulation—

''qualifying premium'' means any premium which at the date of application is payable periodically in respect of a retirement annuity contract or a personal pension scheme;

''retirement annuity contract'' means an annuity contract for the time being approved by the Board of Inland Revenue as having for its main object the provision for the relevant person of a life annuity in old age or the provision of an annuity for a partner or dependant and in respect of which relief from income tax may be given on any premium.

(11A) The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium 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 premium shall be determined—

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

(*b*) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.''.

Amendment of regulation 25 of the principal regulations

13. In regulation 25(2) of the principal regulations (deduction of tax and contributions for self-employed earners) for sub-paragraphs (*a*) and (*b*) there shall be substituted the following sub-paragraphs—

''(*a*) the amount of Class 2 contributions payable under section 11(1) or, as the case may be, (3) of the Contributions and Benefits Act at the rate applicable at the date of application except where the relevant person's chargeable income is less than the amount for the time being specified in sub-section (4) of that section (small earnings exception) for the tax year in which the date of the application falls; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and

(*b*) the amount of Class 4 contributions (if any) which would be payable under section 15(3) of that Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable at the date of the application on so much of the chargeable income as exceeds the lower limit but does not