1993 No. 399

HOUSING

Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 1993

Made . . . . . *21st September 1993*

Coming into operation . . . *1st November 1993*

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) 1993 and shall come into operation on 1st November 1993.

(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.—(1) Regulation 2 of the principal regulations (interpretation) shall be renumbered as paragraph (1) of that regulation.

(2) In said paragraph (1)—

(i) for the definition of "community charge benefits" there shall be substituted the following definition—

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benefit" means community charge benefits under Part VII of the Social Security Contributions and Benefits Act 1992 as originally enacted;"(**c**);

(ii) after the definition of "concessionary payment" there shall be inserted the following definition—

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

(a) S.I. 1992/1725 (N.I. 15). *See* Article 2(2) for the definition of "the Department"
(b) S.R. 1992 No. 412
(c) 1992 c. 4; Part VII was amended by section 103 of, and Schedule 9 to, the Local Government Finance Act 1992 c. 14 which replaced references to community charge benefit with references to council tax benefit

(iii) after the definition of "lone parent" there shall be inserted the following definition—

" "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;"(a).

(3) After said paragraph (1) there shall be added the following paragraph—

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

Amendment of regulation 8 of the principal regulations

3. For regulation 8 of the principal regulations (the applicable amount) there shall be substituted the following regulation—

"8.—(1) The applicable amount in respect of any one application shall be the aggregate of—

(*a*) the total of the weekly applicable amounts of all those persons who are relevant persons in the case of that application, and

(*b*) £40.

(2) For the purposes of paragraph (1), the weekly applicable amount—

(*a*) as regards a relevant person who is in receipt of income support, is £1;

(*b*) as regards any other relevanat person, is the amount determined in his case in accordance with regulation 12.".

Amendment of regulation 10 of the principal regulations

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

(*a*) in paragraph (*a*)(i) for "15·44" there shall be substituted "17·1";

(*b*) in paragraph (*a*)(ii) for "30·88" there shall be substituted "34·2";

(*c*) in paragraph (*a*)(iii) for "123·53" there shall be substituted "136·8";

(*d*) in paragraph (*a*)(iv) for "308·83" there shall be substituted "341";

(*e*) in paragraph (*b*)(i) for "9·66" there shall be substituted "10·28";

(*f*) in paragraph (*b*)(ii) for "19·32" there shall be substituted "20·56";

(*g*) in paragraph (*b*)(iii) for "77·26" there shall be substituted "82·22";

(*h*) in paragraph (*b*)(iv) for "193·16" there shall be substituted "205·55".

(a) 1988 c. 1; the definition of "lower rate" was inserted by section 9(9) of the Finance Act 1992 c. 20

Amendment of regulation 22 of the principal regulations

5. In regulation 22(4) of the principal regulations (determination of net earnings of employed earners) the words '', in the opinion of the Executive,'' shall be omitted.

Amendment of regulation 23 of the principal regulations

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

''23. ''Earnings'', in the case of employment as a self-employed earner, means the gross income of the employment, and

(*a*) shall include any allowance paid pursuant to arrangements made by the Department of Economic Development(**a**) under section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**b**) or any allowance payable under Republic of Ireland legislation to the relevant person for the purpose of assisting him in carrying on his business, but

(*b*) 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 25 of the principal regulations

7. In regulation 25(1) of the principal regulations (deduction of tax and contributions for self-employed earners) for the words ''the basic rate of tax'' there shall be substituted the words ''the lower rate or, as the case may be, the lower rate and the basic rate of tax''; and after the words ''less than a year,'' there shall be inserted the words ''the earnings to which the lower rate and, if appropriate, the basic rate of tax is to be applied and''.

Amendment of regulation 28 of the principal regulations

8. In regulation 28 of the principal regulations (notional income)—

(*a*) in paragraph (7)(*a*) for the words ''the basic rate of tax'' there shall be substituted the words ''the lower rate or, as the case may be, the lower rate and the basic rate of tax''; and after the words ''less than a year'' there shall be inserted the words ''the earnings to which the lower rate and, if appropriate, the basic rate of tax is to be applied and'';

(*b*) for paragraph (8) there shall be substituted the following paragraph—

''(8) In paragraph (3)—

(*a*) ''rates or rents'' means eligible rates or rent to which regulations 9 or 10, as the case may be, of the Housing

---

(**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**) 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))

Benefit (General) Regulations (Northern Ireland) 1987(a) refer, less any deductions in respect of non-dependants which fall to be made under regulation 63 (non-dependant deductions) of those regulations;

(*b*) ''ordinary clothing or footwear'' means clothing or footwear for normal daily use but does not include school uniforms, or clothing or footwear used solely for sporting activities.'';

(*c*) in paragraph (9) the words '', in the opinion of the Executive,'' shall be omitted.

Amendment of regulation 29 of the principal regulations

9. In regulation 29(2) of the principal regulations (modifications in respect of child and young person) after the words ''any income of that child or young person'' there shall be inserted the words '', other than income consisting of any maintenance payment whether under a court order or not,''.

Amendment of regulation 35 of the principal regulations

10. For regulation 35(7) of the principal regulations (notional capital) there shall be substituted the following paragraph—

''(7) In paragraph (3)—

(*a*) ''rates or rent'' means eligible rates or rent to which regulations 9 or 10, as the case may be, of the Housing Benefit (General) Regulations (Northern Ireland) 1987 refer, less any deductions in respect of non-dependants which fall to be made under regulation 63 (non-dependant deductions) of those regulations;

(*b*) ''ordinary clothing or footwear'' means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities.''.

Amendment of regulation 38 of the principal regulations

11. In regulation 38 of the principal regulations (interpretation)—

(i) in the definition of ''sandwich course'' for the words ''Students Awards Regulations (Northern Ireland) 1991'' there shall be substituted the words ''Students Awards Regulations (Northern Ireland) 1992''(b); and

(ii) for the definition of ''student'' there shall be substituted—

'' ''student'' means a person, other than a person in receipt of a training allowance, who is attending a course of study at an educational establishment; and a person who has started on such a course shall be treated as attending it throughout any period of term or vacation within it, until the last day of the course or such earlier date as he abandons it or is dismissed from it.''.

(a) S.R. 1987 No. 461; relevant amending regulations are S.R. 1988 No. 424 and S.R. 1993 No. 145
(b) S.R. 1992 No. 363

Amendment of regulation 40 of the principal regulations

12. In regulation 40(3) of the principal regulations (determination of grant income) for the words ''Students Awards Regulations (Northern Ireland) 1991'' there shall be substituted the words ''Students Awards Regulations (Northern Ireland) 1992''.

Amendment of Schedule 1 to the principal regulations

13. In Schedule 1 to the principal regulations (applicable amounts)—

(*a*) for Part I (personal allowances) there shall be substituted the Part set out in Schedule 1;

(*b*) in Part II (family premium) in paragraph 3 for ''£9·30'' there shall be substituted ''£9·65'';

(*c*) in Part III (premiums)—

(i) in paragraph 15(2)(*a*) for the words ''on or after October 1992'' there shall be substituted the words ''after 31st October 1992'';

(ii) after paragraph 15(2), there shall be added the following sub-paragraph—

''(3) Where the relevant person or his partner ceases to be in receipt of, or ceases to be treated as being in receipt of, invalid care allowance, the condition mentioned in sub-paragraph (1) shall be treated as satisfied for a period of 8 weeks from the date on which he or his partner, as the case may be, was last in receipt of, or was last treated as being in receipt of, invalid care allowance.'';

(*d*) for Part IV (amounts of premiums specified in Part III) there shall be substituted the Part set out in Schedule 2.

Amendment of Schedule 2 to the principal regulations

14. In Schedule 2 to the principal regulations (sums to be disregarded in the determination of earnings)—

(*a*) in paragraph 3(4)(*c*), after the words ''sub-paragraph (2)'' there shall be inserted the words ''or (3)'';

(*b*) after paragraph 4, there shall be inserted the following paragraphs—

''4A.—(1) In a case to which neither paragraph 3 nor 4 applies to the relevant person, and subject to sub-paragraph (2), where the relevant person's applicable amount includes an amount by way of the carer premium under Schedule 1 (applicable amounts), £15 of the earnings of the person who is, or at any time in the preceding 8 weeks was, in receipt of invalid care allowance or treated in accordance with paragraph 15(2) of that Schedule as being in receipt of invalid care allowance.

(2) Where the carer premium is awarded in respect of the relevant person and of any partner of his, their earnings shall, for the purpose of this paragraph, be aggregated, but the amount of earnings to be disregarded in accordance with sub-paragraph (1) shall not exceed £15 of the aggregated amount.