

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benefit” means community charge benefits under Part VII of the Social Security Contributions and Benefits Act 1992 as originally enacted;”(c);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

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(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.”.

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(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.

4B. Where the carer premium is awarded in respect of a relevant person who is a member of a couple and whose earnings are less than £15, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment—

- (a) specified in paragraph 6(1), so much of the other member's earnings as would not, when aggregated with the amount disregarded under paragraph 4A, exceed £15;
- (b) other than an employment specified in paragraph 6(1), so much of the other member's earnings from such other employment up to £10 as would not, when aggregated with the amount disregarded under paragraph 4A, exceed £15.”;
- (c) in paragraph 5, for the words “paragraph 3 does not apply” there shall be substituted the words “paragraphs 3, 4A and 4B do not apply”;
- (d) in paragraph 6(1), for the words “neither paragraph 3 nor 4” there shall be substituted the words “none of paragraphs 3, 4, 4A or 4B”;
- (e) in paragraph 9, for “18, 19 or 28” there shall be substituted “18 or 19”.

*Amendment of Schedule 3 to the principal regulations*

15. In Schedule 3 to the principal regulations (sums to be disregarded in the determination of income other than earnings)—

- (a) for paragraph 5 there shall be substituted the following paragraph—  
“5. Any disability living allowance.”;
- (b) in paragraph 6—
  - (i) for sub-paragraph (b) there shall be substituted the following sub-paragraph—  
“(b) income support;” and
  - (ii) after sub-paragraph (b) there shall be inserted the following sub-paragraph—  
“(c) mobility allowance under section 37A of the Social Security (Northern Ireland) Act 1975.”(a);
- (c) for paragraph 12(5) there shall be substituted the following sub-paragraph—  
“(5) In sub-paragraph (2)—
  - (a) “rates or rents” means eligible rates or rents 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

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(a) 1975 c. 15; section 37A was inserted by Article 24(1) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) and amended by Article 4 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)), Article 72(1) to (3) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and Article 10 of the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)) and is repealed with effect from 6th April 1992 by Article 4(3) of, and Schedule 4 to, the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 (S.I. 1991/1712 (N.I. 17))

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.”;
- (d) paragraph 28 shall be omitted;
- (e) at the end of paragraph 41 there shall be added “or reduction of council tax either under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992(a) (reduction of liability for council tax).”;
- (f) in paragraph 47 for the words “Northern Ireland Office” there shall be substituted the words “Secretary of State”;
- (g) for paragraph 51 there shall be substituted the following paragraph—  
 “51. Any guardian’s allowance under Part III of the Contributions and Benefits Act.”;
- (h) after paragraph 51 there shall be added the following paragraphs—  
 “52. Any council tax benefit.  
 53. Any payment made under the legislation of, or under any scheme operating in the Republic of Ireland which is analogous to any income to which the preceding paragraphs relate.”.

*Amendment of Schedule 4 to the principal regulations*

16. In Schedule 4 to the principal regulations (capital to be disregarded)—

- (a) in paragraph 5—
- (i) after the words “or in part” there shall be inserted the words “as his only or main residence”; and
- (ii) in sub-paragraph (b) the words “as his only or main residence” shall be omitted;
- (b) for paragraph 7 there shall be substituted the following paragraph—  
 “7. Any future interest in property of any kind, other than premises or land let or leased by the relevant person.”;
- (c) at the end of paragraph 35 there shall be added the words “or reduction of council tax either under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax).”;
- (d) in paragraph 40 for the words “Northern Ireland Office” there shall be substituted the words “Secretary of State”;
- (e) after paragraph 42 there shall be added the following paragraph—  
 “43. Any council tax benefit.”.

Sealed with the Official Seal of the Department of the Environment on  
21st September 1993.

(L.S.)

*J. McCormick*

Assistant Secretary

The Department of Finance and Personnel hereby consents to the  
foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel  
on 21st September 1993.

(L.S.)

*Doreen Brown*

Assistant Secretary

## Substitution of Part I of Schedule 1 to the principal regulations

"PART I

Regulations 12(a)  
and (b) and  
13(a) to (c)

## PERSONAL ALLOWANCE

1. The amounts specified in column (2) of the table below in respect of each person or couple specified in column (1) shall be the amounts determined for the purposes of regulations 12(a) (applicable amounts generally) and 13(a) and (b) (applicable amounts in the case of polygamous marriages)—

Column (1) <i>Person or Couple</i>	Column (2) <i>Amount</i>
(1) Single person aged— (a) less than 25; (b) not less than 25.	(1) (a) £34·80; (b) £44·00.
(2) Lone parent aged— (a) less than 18; (b) not less than 18.	(2) (a) £34·80; (b) £44·00.
(3) Couple— (a) where both members are aged less than 18; (b) where at least one member is aged not less than 18.	(3) (a) £52·40; (b) £69·00.

2. The amounts specified in column 2 of the table below in respect of each person specified in column 1 shall be the amounts determined for the purposes of regulations 12(b) and 13(c)—

Column (1) <i>Child or Young Person</i>	Column (2) <i>Amount</i>
Person aged— (a) less than 11; (b) not less than 11 but less than 16; (c) not less than 16 but less than 18; (d) not less than 18.	(a) £15·05; (b) £22·15; (c) £26·45; (d) £34·80."

## Substitution of Part IV of Schedule 1 to the principal regulations

"PART IV

Regulations 12(d)  
and 13(e)

## AMOUNTS OF PREMIUMS SPECIFIED IN PART III

<i>Premium</i>	<i>Amount</i>
18.—(1) Lone parent premium.	(1) £10·95.
(2) Pensioner premium for persons aged under 75—	
(a) where the relevant person satisfies the condition in paragraph 8(a);	(2) (a) £17·30;
(b) where the relevant person satisfies the condition in paragraph 8(b).	(b) £26·25.
(3) Pensioner premium for persons aged 75 and over—	
(a) where the relevant person satisfies the condition in paragraph 9(a);	(3) (a) £19·30;
(b) where the relevant person satisfies the condition in paragraph 9(b).	(b) £29·00.
(4) Higher pensioner premium—	
(a) where the relevant person satisfies the condition in paragraph 10(1)(a) or (b);	(4) (a) £23·55;
(b) where the relevant person satisfies the condition in paragraph 10(2)(a) or (b).	(b) £33·70.
(5) Disability premium—	
(a) where the relevant person satisfies the condition in paragraph 11(a);	(5) (a) £18·45;
(b) where the relevant person satisfies the condition in paragraph 11(b).	(b) £26·45.
(6) Severe disability premium—	
(a) where the relevant person satisfies the condition in paragraph 13(2)(a);	(6) (a) £33·70;
(b) where the relevant person satisfies the condition in paragraph 13(2)(b)—	
(i) in a case where there is someone in receipt of an invalid care allowance,	(b) (i) £33·70,
(ii) in a case where there is no one in receipt of such an allowance.	(ii) £67·40.
(7) Disabled child premium.	(7) £18·45 in respect of each child or young person in respect of whom the condition specified in paragraph 14 is satisfied.
(8) Carer premium.	(8) £11·95 in respect of each person who satisfies the condition specified in paragraph 15."

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations amend the Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1992 (“the principal regulations”).

Regulation 2 substitutes for the definition of “community charge benefits” a definition of “community charge benefit”, and inserts definitions of “council tax benefit” and “lower rate” and a description of the circumstances in which 2 persons shall be taken to be estranged.

Regulation 3 substitutes regulation 8 of the principal regulations setting out what comprises the applicable amount in respect of a relevant person.

Regulation 4 substitutes the multipliers used in the assessment of the amount by which a grant is to be reduced in various circumstances.

Regulations 5 and 8(c) correct errors in the principal regulations by providing for the omission of the words “in the opinion of the Executive”.

Regulation 6 substitutes regulation 23 of the principal regulations which sets out what the earnings of a self-employed earner shall include.

Regulations 7 and 8(a) provide for the calculation of the amount to be deducted in certain circumstances in respect of income tax in relation to a relevant person’s earnings, to take account of the lower rate of income tax.

Regulations 8(b) and 10 provide that when certain payments, including payments made by a third party, are used to pay a relevant person’s rates or rent, the rates or rent to be taken into account are the relevant person’s eligible rates or rent less certain deductions in respect of non-dependants.

Regulation 9 provides that where a child or young person has capital in excess of £5,000 any income of that child or young person consisting of any payment of maintenance is to be treated as income of the relevant person.

Regulations 11(i) and 12 update references to the Students Awards Regulations and regulation 11(ii) substitutes the definition of student.

Regulation 13(a), (b) and (d) increases the amount of the sums relevant to the applicable amount for the purposes of grant. Regulation 13(a) and Schedule 1 set out the personal allowances, regulation 13(d) and Schedule 2 set out the premiums and regulation 13(b) increases the family premium.

Regulation 13(c) corrects a drafting error in Part III of Schedule 1 to the principal regulations. It also adds a further circumstance in which the condition of receipt of invalid care allowance shall be treated as being satisfied.

Regulations 14 and 15 provide that the earnings of a relevant person or partner who is entitled to the carer premium, any concessionary payment made to compensate for the non-payment of mobility allowance, or any guardian's allowance shall be disregarded in the determination of income and that maintenance payments made by a relevant person shall not be disregarded in that respect. They specify further the amount to be disregarded in relation to certain relevant persons entitled to the higher pensioner premium and amend the disregards in respect of charitable and voluntary payments.

Regulations 15(e) and (h) and 16(c) and (e) make changes consequential on the abolition of community charges, the introduction of council tax and the introduction of council tax benefit in Great Britain in succession to community charge benefits.

Regulations 15(f) and 16(d) correct drafting errors in Schedules 3 and 4 to the principal regulations.

Regulation 16(a) provides that a dwelling, occupied as a main or only residence by a partner or specified relative of a relevant person who is single, or any member of the family of a relevant person where that person is either aged 60 or over or is incapacitated, shall be disregarded in the determination of the relevant person's capital.

Regulation 16(b) provides that any future interest in property of any kind (other than premises or land let or leased by the relevant person) should be disregarded from his capital in determining his entitlement to grant.