
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”;
- (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)—
- (a) at the end of paragraph (1)(d) there shall be added—

(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

“, 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 XIII A 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.);
 - (ii) attendance allowance under section 64 of that Act (entitlement to an attendance allowance);

(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)

- (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 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

⁽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.)

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 arrangements made by a Health and Social Services Board, Health and Social Services trust, training school or voluntary organisation and payments made to the relevant person

by a Health and Social Services Tribunal, Health and Social Services trust or voluntary organisation in respect of persons temporarily in the relevant person's care).”.

Amendment of regulation 24 of the principal Regulations

11. In regulation 24(7) (Determination of net profit of self-employed earners), for “The Executive shall not make a deduction” there shall be substituted “No deduction shall be made”.

Amendment of regulation 25 of the principal Regulations

12. For regulation 25(1) (Deduction of tax and contributions for self-employed earners) there shall be substituted—

“**25.**—(1) The amount to be deducted in respect of income tax under regulation 24(1)(b)(i), (3)(b)(i) or (9)(a)(i) (determination of net profit of self-employed earners) shall be determined on the basis of the amount of chargeable income and as if that income were assessable to income tax at the lower rate or as the case may be, the lower rate and the basic rate or the basic rate and higher rate of tax in the year of assessment in which the application was made less only the personal allowance to which the relevant person is entitled under sections 257 and 259 of the Income and Corporation Taxes Act 1988 (personal allowance) as is appropriate in his circumstances; but if the assessment period is less than a year, the earnings to which the lower rate and, if appropriate, the basic rate and higher rate of tax is to be applied and the amount of the personal allowance deductible under this paragraph shall be calculated on a pro-rata basis.”.

Amendment of regulation 27 of the principal Regulations

13. For regulation 27 (Capital treated as income), there shall be substituted—

“Annuity treated as income

27. Any payment received under an annuity shall be treated as income.”.

Amendment of regulation 28 of the principal Regulations

14. For regulation 28 (Notional income)—

(a) in paragraph (4) for “the Executive shall treat the relevant person” there shall be substituted “the relevant person shall be treated”;

(b) in paragraph (7) for sub-paragraph (a) there shall be substituted—

“(a) an amount in respect of income tax equivalent to an amount determined by applying to those earnings the lower rate or, as the case may be the lower rate and the basic rate or the basic rate and higher rate of tax in the year of assessment in which the application was made less only the personal allowance to which the relevant person is entitled under sections 257 and 259 of the Income and Corporation Taxes Act 1988 (personal allowance) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the lower rate and, if appropriate, the basic rate and higher rate of tax is to be applied and the amount of the personal allowance deductible under this sub-paragraph shall be determined on a pro-rata basis.”.

Amendment of regulation 38 of the principal Regulations

15. In regulation 38 (Interpretation) for the definition of “sandwich course” there shall be substituted—

““sandwich course” has the meaning assigned to it in regulation 3(1) of the Students Awards Regulations (Northern Ireland) 1995;”(19).”

Amendment of regulation 40 of the principal Regulations

16. In regulation 40 (Determination of grant income)—

(a) for paragraph 2(g) there shall be substituted—

“(g) intended to meet the cost of books and equipment (other than special equipment referred to in sub-paragraph (b)) or, in the case of a full time student, if not so intended an amount equal to £278 towards such costs;”

(b) in paragraph (3), for the words “Students Awards Regulations (Northern Ireland) 1993” there shall be substituted “Students Awards Regulations (Northern Ireland) 1995”.

Amendment of regulation 44 of the principal Regulations

17. For regulation 44 (Disregard of contribution) there shall be substituted—

“44. Where the relevant person or his partner is a student and the income of one is taken into account for the purposes of assessing the amount of the student’s grant, an amount equal to the contribution (whether or not the contribution is paid) shall be disregarded in determining the income of the other.”

Amendment of Schedule 1 to the principal Regulations

18. In Schedule 1 (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 the amount “£10·05” there shall be substituted “£10·25”;

(c) in Part III (premiums) in paragraph 12(1)(a)(i)—

(i) for “an invalidity pension under section 33” there shall be substituted “long-term incapacity benefit under Part II”;

(ii) for “section 68” there shall be substituted “Part II”; and

(iii) for “invalidity pension” there shall be substituted “long-term incapacity benefit”;

(d) in paragraph 12(1)(a)(ii)—

(i) for “invalidity pension under section 33” there shall be substituted “long-term incapacity benefit under Part II”; and

(ii) for “invalidity pension” there shall be substituted “long-term incapacity benefit”;

(e) for paragraph 12(1)(b) there shall be substituted—

“(b) the relevant person—

(i) is incapable of work in accordance with the provisions of, and regulations made under, Part XIII A of the 1992 Act(20) (incapacity for work), and

(19) S.R. 1995 No. 1

(20) Part XIII A was inserted by Articles 7 and 8(1) of S.I. 1994/1898 (N.I. 12)

- (ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
 - (aa) in the case of a relevant person who is terminally ill within the meaning of Section 30B(4) of the 1992 Act⁽²¹⁾, 196 days; and
 - (bb) in any other case, 364 days.”;
- (f) in paragraph 12(3), for “for the purposes of the provisions specified in that provision” there shall be substituted “or to be incapable of work”;
- (g) for paragraph 12(5) there shall be substituted—
 - “(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods shall be treated as one continuous period.
 - (6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of Section 30B(4)(a) of the 1992 Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.”;
- (h) after paragraph 13(3) there shall be added—
 - “(4) For the purposes of sub-paragraph (2)(a)(iii) and (b), no account shall be taken of an award of invalid care allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is made.”; and
- (i) for Part IV (Amounts of premiums specified in Part III) there shall be substituted the Part set out in Schedule 2.

Amendment of Schedule 3 to the principal Regulations

- 19.** In Schedule 3 (Sums to be disregarded in the determination of income other than earnings)—
- (a) for paragraph 17(i) there shall be substituted—
 - “Where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (Mortgage interest payable under deduction of tax) applies to payments of interest on the loan, the interest is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of the Act;”⁽²²⁾
 - (b) in paragraph 43(b), for “19th” there shall be substituted “21st”; and
 - (c) after paragraph 54 there shall be inserted—
 - “**55.** Any supplementary pension under article 29(1A) of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (pensions to widows)⁽²³⁾.
 - 56.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows)⁽²⁴⁾, the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

⁽²¹⁾ Section 30B was inserted by Article 4(1) of S.I. 1994/1898 (N.I. 12)

⁽²²⁾ 1988 c. 1; Section 369(1A) was inserted by Section 81(3) of the Finance Act 1994 (c. 9)

⁽²³⁾ S.I. 1983/883; relevant amending instruments are S.I. 1993/598 and 1994/1906.

⁽²⁴⁾ S.I. 1983/686; relevant amending instruments are S.I. 1994/715 and 1994/2021

57.—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow of a person—
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and
- (b) equal to the amount specified in article 29(1A) of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (pensions to widows).

(2) In this paragraph “the Dispensing Instruments” means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances)(25).”.

Amendment to Schedule 4 to the principal Regulations

20. In Schedule 4 (Capital to be disregarded)—

- (a) at the end of paragraph 37 there shall be added “or of any amount which is disregarded under paragraph 55, 56 or 57 of that Schedule”; and
- (b) after paragraph 43 there shall be added the following paragraphs—

“44.—(1) Any sum of capital administered—

- (a) by the High Court—
 - (i) on behalf of a person under the age of 18 under the provisions of Order 80 of the Rules of the Supreme Court (Northern Ireland) 1980(26); or
 - (ii) on behalf of a patient under the provisions of Order 109 of those Rules;
- (b) by the county court—
 - (i) under the provisions of Order 44 of the County Court Rules (Northern Ireland) 1981(27); or
 - (ii) under Article 21 of the County Courts (Northern Ireland) Order 1980(28).

(2) Paragraph (1) applies to a sum which derives from—

- (a) an award of damages for a personal injury to a person mentioned in that paragraph; or
- (b) compensation for the death of one or both parents of such person.

45.—(1) Any sum of capital administered on behalf of a person under the age of 18 by Her Majesty’s High Court of Justice in England under the provisions of Order 80 of the Rules of the Supreme Court 1965(29), the county court under Order 10 of the County Court Rules 1981(30), or the Court of Protection, where such sum derives from—

- (a) an award of damages for a personal injury to that person; or

(25) Copies of the Dispensing Instruments are available from the Department of Social Security, A1, 6th floor, Adelphi, 1-11 John Adam Street, London, WC2N 6HT

(26) S.R. 1980 No. 346 as amended by S.R. 1986 No. 184

(27) S.R. 1981 No. 225 as amended by S.R. 1986 No. 218 rule 3 and S.R. 1988 No. 100 rule 2(5)

(28) S.I. 1980/397 (N.I. 3)

(29) S.I. 1965/1776; for Order 80 as currently in force *see* “The Supreme Court Practice 1995”, ISBN 0-421-49480-8; and “The Supreme Court Practice 1995: First Cumulative Supplement to the 1995 Edition”, ISBN 0-421-49490-5.

(30) S.I. 1981/1687; for Order 10 as currently in force *see* “The County Court Practice 1994”, ISBN 0-406-03674-8; or “The Supreme Court Practice 1995: County Court Rules”, ISBN 0-421-49500-6.

(b) compensation for the death of one or both parents.

(2) In this paragraph “county court” means a court held for a district under the County Courts Act 1984⁽³¹⁾.

46. Any sum of capital administered on behalf of a person under the age of 18 in accordance with an order made under Rule 43.15 of the Act of Sederunt (Rules of the Court of Session 1994) 1994⁽³²⁾ or under Rule 131 of the Act of Sederunt (Rules of the Court, consolidation and amendment) 1965⁽³³⁾, or under Rule 36.14 of the Ordinary Cause Rules 1993⁽³⁴⁾ or under Rule 128 of the Ordinary Cause Rules⁽³⁵⁾ where such sum derives from—

(a) an award of damages for a personal injury to that person; or

(b) compensation for the death of one or both parents.”.

Application

21.—(1) Subject to paragraph (2), these Regulations shall not have effect in relation to applications for grant made before 17th April 1995.

(2) Where, in relation to any pending application made after 12th April 1995 and before 17th April 1995, the relevant person is not entitled to a disability premium or higher pensioner premium but would have been so entitled had the application been made on 17th April 1995, for the purposes of that relevant person’s entitlement to a disability premium or higher pensioner premium his application shall be treated as if it had been made on 17th April 1995.

Transitional provisions

22.—(1) Where the higher pensioner premium is applicable to a relevant person on, or at any time during the 56 days immediately preceding 12th April 1995 by virtue of paragraph 12(1)(a)(ii) of Schedule 1 to the principal Regulations as in operation on that date, paragraph 12 of that Schedule shall continue to apply in that relevant person’s case as if these Regulations had not been made.

(2) Where on 12th April 1995 the disability premium is applicable to a relevant person by virtue of paragraph 12(1)(b) of Schedule 1 to the principal Regulations as in operation on that date, the disability premium shall continue to be applicable to that relevant person from 13th April 1995 for so long as he is incapable of work in accordance with the provisions of, and regulations made under, Part XIIIA of the 1992 Act (Incapacity for work).

(3) Paragraph (2) shall not apply to a relevant person who ceases to be incapable of work in accordance with the provisions of, and regulations made under, Part XIIIA of the 1992 Act for a period of more than 56 continuous days.

(4) Where, in any period immediately preceding 13th April 1995, the circumstances mentioned in paragraph 12(5) of Schedule 1 to the principal Regulations as in operation on 12th April 1995 applied to a relevant person to whom the disability premium was not applicable, that relevant person shall be treated for the purposes of regulation 16A(3)(c) of, and paragraph 12(1)(b) of Schedule 1 to, the principal Regulations as if he had been incapable of work in accordance with the provisions of, and regulations made under, Part XIIIA of the 1992 Act throughout that period.

(31) 1984 c. 28

(32) S.I. 1994/1443

(33) S.I. 1965/321

(34) First Schedule to the Sheriff Courts (Scotland) Act 1907 (c. 51) as substituted in respect of causes commenced on or after 1st January 1994 by S.I. 1993/1956

(35) First Schedule to the Sheriff Courts (Scotland) Act 1907 as substituted by S.I. 1983/747

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on

L.S.

20th March 1996.

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

L.S.

20th March 1996.

D. Thomson
Assistant Secretary

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 18(a)

Substitution of Part I of Schedule 1 to the principal regulations

“Part I

Personal allowance

1. The amounts specified in column (2) in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes of regulations 12(a) and 13(a) and (b)—

Column (1) Person or couple	Column (2) Amount
(1) Single person aged—	(a) (1) £36·80;
(a) less than 25	
(b) not less than 25	(b) £46·50.
(2) Lone parent aged—	(a) (2) £36·80;
(a) less than 18	
(b) not less than 18	(b) £46·50.
(3) Couple—	(a) (3) £55·55;
(a) where both members are aged less than 18	
(b) where at least one member is aged not less than 18	(b) £73·00.

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

Column (1) Child or Young Person 174	Column (2) Amount
Person aged—	(a) £15·95;
(a) less than 11	
(b) not less than 11 but less than 16	(b) £23·40;
(c) not less than 16 but less than 18	(c) £28·00;
(d) not less than 18	(d) £36·80.”

SCHEDULE 2

Regulation 18(i)

Substitution of Part IV of Schedule 1 to the principal regulations

“Part IV

Amounts of premiums specified in Part III

Premium	Amount
18. —	(1) £11·50.
(1) Lone parent premium	
(2) Pensioner premium for persons aged under 75—	(a) (2) £18·60;
(a) where the relevant person satisfies the condition in paragraph 8(a)	
(b) where the relevant person satisfies the condition in paragraph 8(b)	(b) £28·05.
(3) Pensioner premium for persons aged 75 and over—	(a) (3) £20·70;
(a) where the relevant person satisfies the condition in paragraph 9(a)	
(b) where the relevant person satisfies the condition in paragraph 9(b)	(b) £30·95.
(4) Higher pensioner premium—	(a) (4) £25·15;
(a) where the relevant person satisfies the condition in paragraph 10(1)(a) or (b)	
(b) where the relevant person satisfies the condition in paragraph 10(2)(a) or (b)	(b) £35·95.
(5) Disability premium—	(a) (5) £19·80;
(a) where the relevant person satisfies the condition in paragraph 11(a)	
(b) where the relevant person satisfies the condition in paragraph 11(b)	(b) £28·30.
(6) Severe disability premium—	(a) (6) £35·05;
(a) where the relevant person satisfies the condition in paragraph 13(2)(a)	
(b) where the relevant person satisfies the condition in paragraph 13(2)(b)	(b)
(i) in a case where there is someone in receipt of an invalid care allowance	(i) £35·05;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Premium	Amount
(ii) in a case where there is no-one in receipt of such an allowance	(ii) £70·10.
(7) Disabled child premium	(7) £19·80 for each child or young person for whom the condition specified in paragraph 14 is satisfied.
(8) Carer premium	(8) £12·60 for each person who satisfies the condition specified in paragraph 15.”

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1992. The Regulations make the following principal changes—

Regulation 3 amends the definition of “employed earner” and inserts definitions of “charity”, “higher rate”, “incapacity benefit”, “long term incapacity benefit”, “short term incapacity benefit”, “statutory maternity pay”, “statutory sick pay”, and “voluntary organisation”.

Regulation 4 increases the multipliers used in the assessment of the amount by which a grant is reduced in certain circumstances.

Regulation 5 provides that average weekly child care charges must be deducted in determining a person’s weekly income.

Regulation 6 provides for the determination of child care charges.

Regulation 7 provides for the calculation of the average weekly earnings of self-employed persons where such earnings fluctuate and regulation 8 makes similar provision in relation to the calculation of average weekly income other than earnings.

Regulation 9, with respect to the determination of earnings of employed earners, amends the provisions specifying the amount to be deducted in respect of contributions to a personal pension scheme and in respect of national insurance contributions.

Regulation 10 makes an amendment to the definition of earnings of self-employed earners.

Regulation 12 provides for calculation of the amount to be deducted in respect of income tax for self-employed earners to take account of the higher rate of income tax. Regulation 14 makes similar provision in relation to income tax on notional income.

Regulation 16 increases from £273 to £278 the amount to be allowed in respect of the cost of books and equipment in determining a student’s grant income.

Regulation 17 provides that a contribution, that is to say an amount in respect of income taken into account in assessing the amount of a student’s grant, is to be disregarded, whether or not the contribution is paid.

Regulation 18(a) and (b) increases the amount of the sums relevant to the applicable amount for the purposes of grant. Regulation 18(a) and Schedule 1 increase the personal allowances, regulation 18(b) increases the family premium from £10·05 to £10·25.

Regulation 18(c) to (g) amends the conditions for higher pensioner and disability premiums to reflect the replacement of sickness and invalidity benefit by long term incapacity benefit and the introduction of a new test of incapacity for work under the Social Security (Incapacity for Work) (Northern Ireland) Order 1994. Regulation 18(i) and Schedule 2 increase the lone parent premium, pensioner premium, severe disability premium, disabled child premium and carer premium.

Regulation 19 makes amendments to the provisions in respect of sums to be disregarded in the determination of income other than earnings. Regulation 19(c) provides that certain pensions paid to widows of members of the armed forces should be disregarded.

Regulation 20 makes amendments to the provisions in respect of capital to be disregarded. Regulation 20(b) provides that sums of capital which derive from an award of damages for personal injury or compensation for loss of a parent which are administered under the provisions of court rules are to be disregarded.

Regulation 21 provides that, subject to an exception, the Regulations do not have effect in relation to applications for grant made before 17th April 1995.

Regulation 22 contains transitional provisions.