

2006 No. 452

HOUSING

**The Housing Renewal Grants (Reduction of Grant)
(Amendment) Regulations (Northern Ireland) 2006**

Made - - - - *10th November 2006*

Coming into operation - *18th December 2006*

The Department for Social Development(a) makes the following Regulations in exercise of the powers conferred by Article 47(b) of the Housing (Northern Ireland) Order 1992(c) as applied by Regulations(d) made under Article 73 of that Order and now vested in it(e) and conferred on it by Articles 37(2), 61, 62(5) and 148(1) of the Housing (Northern Ireland) Order 2003(f):

Citation and commencement

1. These Regulations may be cited as the Housing Renewal Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 18th December 2006.

Interpretation

2.—(1) In these Regulations—

“the 2004 Regulations” means the Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004(g), and

“the qualifying age for state pension credit” is (in accordance with section 1(2)(b) of the State Pension Credit Act (Northern Ireland) 2002(h))—

- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man.

3.—(1) The 2004 Regulations shall have effect, in relation to any person who has attained the qualifying age for state pension credit, with the modifications set out in this Regulation.

(2) For Regulations 15 (applicable amounts) and 16 (polygamous marriages), substitute—

(a) S.I. 1999/283 (N.I. 1) Article 3(1)
(b) See Article 120(5) of S.I. 2003/412 (N.I. 2)
(c) S.I. 1992/1725 (N.I. 15)
(d) S.R. 2003 No. 465
(e) S.R. 1999 No. 481 Article 6(e) and Schedule 4 Part V
(f) S.I. 2003/412 (N.I. 2)
(g) S.R. 2004 No. 8, as amended by S.R. 2005 No. 520 and S.R. 2006 No. 407
(h) 2002 c.14 (N.I.)

“Applicable amounts

15.—(1) The applicable amount of a relevant person who has attained or whose partner has attained the qualifying age for state pension credit shall be the aggregate of such of the following amounts as apply in his case—

- (a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 1A;
- (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 2 of that Schedule;
- (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part 2 of that Schedule (family premium);
- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule.

(2) In Schedule 1A, “additional spouse” means a spouse of either party to a marriage who is additional to the other party to the marriage.”

(3) After Schedule 1, insert—

“SCHEDULE 1A

Regulation 15

APPLICABLE AMOUNTS FOR PERSONS WHO HAVE ATTAINED OR WHOSE PARTNER HAS ATTAINED THE QUALIFYING AGE FOR STATE PENSION CREDIT

PART I

PERSONAL ALLOWANCES

1. The following amounts shall be the applicable amounts specified for the purposes of regulation 15(1)(a)—

- (a) for a single person aged under 65, £109.45;
- (b) for a single person aged 65 or over, £125.90;
- (c) for a couple where both members are aged under 65, £167.05;
- (d) for a couple where one member or both members are aged 65 or over, £188.60;
- (e) for a person who is a member of a polygamous marriage and none of the members of the marriage have attained the age of 65,
 - (i) for that person and the other party to the marriage, £167.05;
 - (ii) for each additional spouse who is a member of the same household as that person, £57.60;
- (f) for a person who is a member of a polygamous marriage and one or more of the members of the marriage are aged 65 or over,
 - (i) for that person and the other party to the marriage, £188.60;
 - (ii) for each additional spouse who is a member of the same household as that person, £62.70.

2.—(1) The following amounts shall, for the relevant periods, be the applicable amounts specified for the purpose of regulation 15(1)(b)—

- (a) in respect of the period beginning on, and including, a person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday, £43.88;
 - (b) in respect of the period beginning on, and including, the first Monday in September following a person's sixteenth birthday and ending on the day preceding that person's nineteenth birthday, £43.88.
- (2) In paragraph (1), "the first Monday in September" means the Monday which first occurs in the month of September in the relevant year.

PART II

FAMILY PREMIUM

3.—(1) The amount for the purposes of regulation 15(1)(c) and (d) in respect of a family of which at least one member is a child or young person shall be £16.10.

(2) The amount specified in sub-paragraph (1) shall be increased by £10.50 where at least one child is under the age of one year and for the purposes of this sub-paragraph where that child's first birthday does not fall on a Monday he shall be treated as under the age of one year until the first Monday after his first birthday.

PART III

PREMIUMS

4. The amounts specified in Part IV shall be the premiums applicable to relevant persons who satisfy a condition specified in paragraphs 7 to 10 of this Part in respect of a particular premium.

5. Subject to paragraph 6, where a relevant person satisfies a condition in respect of more than one premium in this Part, only one premium shall be applicable to him and if the premiums which would (apart from this provision) be applicable are of different amounts, only the higher or highest of these shall apply.

6. The following premiums, namely—

- (a) a severe disability premium to which paragraph 7 applies,
- (b) an enhanced disability premium to which paragraph 8 applies,
- (c) a disabled child premium to which paragraph 9 applies, and
- (d) a carer premium to which paragraph 10 applies

are applicable in addition to any other premium which may apply under this Schedule.

Severe disability premium

7.—(1) Subject to paragraphs 11 and 12, the condition is that the relevant person is a severely disabled person.

(2) For the purposes of sub-paragraph (1), a relevant person shall be treated as a severely disabled person if, and only if—

- (a) in the case of a single person, a lone parent or a relevant person who is treated as having no partner in consequence of sub-paragraph (3)—
 - (i) he is in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, and
 - (ii) he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and

- (iii) a carer's allowance under section 70 of the 1992 Act is not in payment to any person in respect of caring for him;
- (b) in the case of a relevant person who has a partner—
 - (i) the relevant person is in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, and
 - (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance, and
 - (iii) he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a carer's allowance is payable to someone in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all of the partners of the marriage; or else such an allowance is not in payment to anyone in respect of caring for either member of a couple or any partner of a polygamous marriage.
- (3) Where a relevant person has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that partner shall be treated for the purposes of sub-paragraph (2) as if he were not a partner of the relevant person.
- (4) For the purposes of sub-paragraph (3)—
 - (a) a person is blind if he has been certified as blind and in consequence is registered as blind in a register maintained by or on behalf of a Health and Social Services Board, and
 - (b) a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the condition of being so registered for a period of 28 weeks following the date on which he ceased to be so registered.
- (5) For the purposes of sub-paragraphs (2)(a)(ii) and (2)(b)(ii), no account shall be taken of—
 - (a) a person receiving attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt; or
 - (b) a person who is blind or is treated as blind within the meaning of sub-paragraph (4).

Enhanced disability premium

8. The condition is that the care component of disability living allowance is, or would be, but for a suspension of benefit in accordance with regulations under section 113(2) of the 1992 Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the 1992 Act in respect of a child or young person who is a member of the relevant person's family.

Disabled child premium

9. Subject to paragraphs 11 and 12, the condition is that a child or young person for whom the relevant person or a partner of his is responsible and who is a member of the relevant person's household—

- (a) is in receipt of a disability living allowance or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or

- (b) is blind or is treated as blind within the meaning of paragraph 7(4); or
- (c) is a child or young person in respect of whom section 141A of the 1992 Act^(a) applies for the purposes of entitlement to child benefit, but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the relevant person's applicable amount immediately before the death of that child.

Carer premium

10.—(1) Subject to paragraphs 11 and 12, the condition is that the relevant person or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the 1992 Act.

(2) Where a carer premium has been awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance,

this paragraph shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

- (a) the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the death occurred on a Sunday);
- (b) where head (a) does not apply, the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.

(4) For the purpose of this paragraph, a person shall be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which payment is made in lieu of an award.

Persons in receipt of concessionary payments

11. For the purposes of determining whether a premium is applicable to a person under paragraphs 7 to 10, any concessionary payment made to compensate that person for non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit

12. For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it has been paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

PART IV

AMOUNTS OF PREMIUMS SPECIFIED IN PART III

13.—(1) Severe disability premium—

- (a) where the relevant person satisfies the condition in paragraph 7(2)(a), £45.50;
- (b) where the relevant person satisfies the condition in paragraph 7(2)(b);

^(a) Section 141A was inserted by section 55 of the Tax Credits Act 2002 (2002 c. 21) and amended by paragraph 38 of Schedule 1 to the Child Benefit Act 2005 (2005 c.6)

- (i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 7(4), £45.50;
 - (ii) in a case where there is no-one in receipt of such an allowance, £91.00.
- (2) Enhanced disability premium in respect of each child or young person in respect of whom the conditions specified in paragraph 8 are satisfied, £17.71.
- (3) Disabled child premium in respect of each child or young person in respect of whom the condition specified in paragraph 9 is satisfied, £43.89.
- (4) Carer premium in respect of each person who satisfies the condition specified in paragraph 9, £25.80.”

Amendments

4. The 2004 Regulations are amended in accordance with regulations 5 to 22.

Regulation 2

5. In regulation 2(1), after the definition of “paternity leave” insert the following definition—
- ““patient” means a person who is in receipt of free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 2005(a);”.

Regulation 3

6. For regulation 3, substitute:

“Persons from abroad

3. No grant shall be payable under Chapter II of Part III of the Order if the applicant falls within either of the following descriptions, namely—

- (a) an applicant who is a person from abroad within the meaning of regulation 10 of the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations; or
- (b) an applicant who applies knowing that any person from abroad as defined in paragraph (a) lives or intends to live in the dwelling or, as the case may be, in a flat in the building.”.

Regulation 6

7. In paragraph (2) of regulation 6 (definition of relevant person), after “disabled child” insert “or young person”.

Regulation 11

8. In paragraph (1) of regulation 11 (the applicable amount), in sub-paragraph (b) for “£53.79” substitute “£56.40”.

Regulation 13

9. In regulation 13 (reduction in amount of grant)—
- (a) in paragraph (a)—
 - (i) in sub-paragraph (i), for “19.97” substitute “19.37”;

(a) S.R. 2005 No. 580

- (ii) in sub-paragraph (ii), for “39.94” substitute “38.73”;
- (iii) in sub-paragraph (iii), for “159.76” substitute “154.93”;
- (iv) in sub-paragraph (iv), for “399.41” substitute “387.33”;
- (b) in paragraph (b)—
 - (i) in sub-paragraph (i), for “11.27” substitute “11.21”;
 - (ii) in sub-paragraph (ii), for “22.53” substitute “22.41”;
 - (iii) in sub-paragraph (iii), for “90.13” substitute “89.66”;
 - (iv) in sub-paragraph (iv), for “225.32” substitute “224.15”.

Regulation 15

10. In regulation 15 (applicable amounts), in paragraph (b) omit from “, except” to the end of that paragraph.

Regulation 16

11. In regulation 16 (polygamous marriages), in paragraph (c) omit from “, except” to the end of that paragraph.

Regulation 18

12. In regulation 18 (determination of income and capital of relevant person’s family and of a polygamous marriage)—

- (a) in paragraph (1), omit—
 - (i) the words “and, subject to paragraph (2) and to regulation 33 (modifications in respect of children and young persons), the income of a child or young person”; and
 - (ii) the words “or that child or young person” at the end;
- (b) omit paragraph (2);
- (c) in paragraph (3), for sub-paragraphs (a) and (b) substitute—
 - “(a) the relevant member shall be treated as possessing income and capital belonging to each such member; and
 - (b) the income and capital of that member shall be calculated in accordance with the following provisions of this Chapter and Chapters II to VI in like manner as for the relevant person.”;
- (d) after paragraph (3), add—
 - “(4) The income and capital of a child or young person shall not be treated as the income and capital of the relevant person.”.

Regulation 19

13. In regulation 19 (determination of income on a weekly basis), in paragraph (3)—

- (a) in sub-paragraph (a), for “£94.50” substitute “£175”; and
- (b) in sub-paragraph (b), for “£140” substitute “£300”.

Regulation 20

14. In regulation 20 (treatment of childcare charges)—

- (a) in paragraph (1)—
 - (i) for “has incurred” substitute “incurs”;
 - (ii) for sub-paragraph (c), substitute—

- “(c) is a member of a couple where one member is engaged in remunerative work and the other—
- (i) is incapacitated;
 - (ii) is an in-patient in hospital; or
 - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).”;
- (b) after paragraph (1), insert—
- “(1A) For the purposes of paragraph (1) and subject to paragraph (1C), a person to whom paragraph (1B) applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
- (a) is paid statutory sick pay;
 - (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the 1992 Act(a);
 - (c) is paid income support on the grounds of incapacity for work under regulation 4ZA(b) of, and paragraph 7 or 14 of Schedule 1B(c) to, the Income Support (General) Regulations (Northern Ireland) 1987(d); or
 - (d) is credited with earnings on the grounds of incapacity for work under regulation 8B(e) of the Social Security (Credits) Regulations (Northern Ireland) 1975(f).
- (1B) This paragraph applies to a person who was in remunerative work immediately before—
- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit or income support on the grounds of incapacity for work; or
 - (b) the first day of the period in respect of which earnings are credited,
- as the case may be.
- (1C) In a case to which paragraph (1A)(c) or (d) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.”;
- (c) in paragraph (3), in sub-paragraph (e) omit the words from “within” to the end.
- (d) in paragraph (6)—
- (i) at the end of sub-paragraph (a), omit “or”; and
 - (ii) after sub-paragraph (b), add—
 - “; or
 - (c) in respect of care provided by a relative of a child wholly or mainly in the child’s home.”;
- (e) in paragraph (7), at the end add—
- “(f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002(g).”;
- (f) in paragraph (9), in sub-paragraph (b) for “incurred” substitute “is incurring”, and omit “in that week”;

(a) Section 30A was inserted by Article 3 of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)), section 30B was inserted by Article 4 of that Order and sections 30C-E were inserted by Article 4 of that Order.

(b) Regulation 4ZA was inserted by S.R. 1996 No. 199 and amended by S.R. 1997 No. 412, S.R. 1998 No. 421, S.R. 1999 No. 474, S.R. 2000 No. 71 and S.R. 2000 No. 369.

(c) Schedule 1B was inserted by regulation 22 of, and Schedule 1 to, S.R. 1996 No. 199.

(d) S.R. 1987 No. 459

(e) Regulation 8B was inserted by S.R. 1996 No. 430.

(f) S.R. 1975 No. 113

(g) 2002 c. 21

- (g) in paragraph (10)—
 - (i) in sub-paragraph (b), before “tax credit” insert “child care element of working”; and
 - (ii) in sub-paragraph (c), before “tax credit” in the first place in which it occurs, insert “child care element of working”;
- (h) in paragraph (11), omit sub-paragraph (b).

Regulation 26

15. In regulation 26 (determination of net earnings of employed earners), in paragraph (3)(d) after “statutory maternity pay” insert “, statutory paternity pay or statutory adoption pay,”.

Regulation 30

16. In regulation 30 (determination of income other than earnings), in paragraph (1), omit “or 33 (modifications in respect of child and young persons)”.

Regulations 33 and 35

17. Omit regulations 33 (modifications in respect of child and young persons) and 35 (disregard of capital of child or young person).

Regulation 44

18. In regulation 44 (determination of grant income), in paragraph (3)—
- (a) in sub-paragraph (a), for “£270” substitute “£275”; and
 - (b) in sub-paragraph (b), for “£340” substitute “£343”.

Schedule 1

19.—(1) Schedule 1 (applicable amounts) is amended as follows.

(2) In Part I (personal allowances), in paragraph 1 in the column headed “Column (2) *Amount*”—

- (a) in sub-paragraph 1(a), for “£43.25” substitute £44.50”;
- (b) in sub-paragraph 1(b), for “£54.65” substitute £56.20”;
- (c) in sub-paragraph 2(a), for “£43.25” substitute £44.50”;
- (d) in sub-paragraph 2(b), for “£54.65” substitute £56.20”;
- (e) in sub-paragraph 3(a), for “£65.30” substitute £67.15”;
- (f) in sub-paragraph 3(b), for “£85.75” substitute “£88.15”.

(3) In paragraph 2, in the column headed “Column (2) *Amount*”, in sub-paragraphs (a) and (b) for “£38.50” substitute £43.88”.

(4) In paragraph 3 in Part II (family premium), in sub-paragraph (1) for “£15.75” substitute “£16.10”.

(5) In paragraph 15 in Part III (disabled child premium), omit sub-paragraph (2).

(6) For Part IV of Schedule 1 (amounts of premiums specified in Part III), substitute—

“PART IV

AMOUNTS OF PREMIUMS SPECIFIED IN PART III

19.—(1) Pensioner premium for persons aged under 75—

- (a) where the relevant person satisfies the condition in paragraph 7(a), £53.25;

- (b) where the relevant person satisfies the condition in paragraph 7(b), £78.90.
- (2) Pensioner premium for persons aged 75 and over—
 - (a) where the relevant person satisfies the condition in paragraph 8(a), £53.25;
 - (b) where the relevant person satisfies the condition in paragraph 8(b), £78.90.
- (3) Higher pensioner premium—
 - (a) where the relevant person satisfies the condition in paragraph 9(1)(a) or (b), £53.25;
 - (b) where the relevant person satisfies the condition in paragraph 9(2)(a) or (b), £78.90.
- (4) Disability premium—
 - (a) where the relevant person satisfies the condition in paragraph 11(a), £23.95;
 - (b) where the relevant person satisfies the condition in paragraph 11(b), £34.20.
- (5) Bereavement premium, £25.85.
- (6) Severe disability premium—
 - (a) where the relevant person satisfies the condition in paragraph 13(2)(a), £45.50;
 - (b) where the relevant person satisfies the condition in paragraph 13(2)(b)—
 - (i) in a case where there is someone in receipt of a carer’s allowance or if he or any partner satisfies that condition only by virtue of paragraph 13(4), £45.50;
 - (ii) in a case where there is no one in receipt of such an allowance, £91.00.
- (7) Disabled child premium, £43.89 for each child or young person for whom the condition specified in paragraph 15 is satisfied.
- (8) Carer premium, £25.80 for each person who satisfies the condition specified in paragraph 16.
- (9) Enhanced disability premium—
 - (a) in respect of each child or young person in respect of whom the conditions specified in paragraph 14 are satisfied, £17.81;
 - (b) in respect of each person who is neither a child or young person nor a member of a couple in respect of whom the conditions specified in paragraph 16 are satisfied, £11.70;
 - (c) where the relevant person is a member of a couple and the conditions specified in paragraph 16 are satisfied in respect of a member of that couple, £16.90.”

Schedule 2

20.—(1) Schedule 2 (sums to be disregarded in the determination of earnings) is amended as follows.

- (2) In paragraphs 3, 5, 6 and 8, for “£15” in each place in which it occurs, substitute “£20”.
- (3) In paragraph 9, for “£15” in each place in which it occurs, substitute “£20”.
- (4) In paragraph 15, omit “except earnings to which paragraph 16 applies”.
- (5) Omit paragraph 16.
- (6) In paragraph 18—
 - (a) in sub-paragraph (1), for “£11.90” substitute “£14.50”;
 - (b) for sub-paragraph (2), substitute—
 - “(2) The conditions of this sub-paragraph are that—

- (a) the relevant person, or if he is a member of a couple, either the relevant person or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(a) applies;
 - (b) the relevant person is, or if he is a member of a couple at least one member of that couple is, aged 25 and is engaged in remunerative work for on average not less than 30 hours per week;
 - (c) the relevant person is a member of a couple and—
 - (i) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and
 - (ii) his applicable amount includes a family premium under paragraph 3 of Schedule 1;
 - (d) the relevant person is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week;
 - (e) the relevant person is engaged in remunerative work for on average not less than 16 hours per week, or is a member of a couple of which at least one member is so engaged, and—
 - (i) the relevant person’s applicable amount includes a disability premium under paragraph 11 of Schedule 1; or
 - (ii) where he is a member of such a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium referred to in paragraph (i); or
 - (f) the relevant person is, or if he is a member of a couple at least one member of that couple is, a person to whom regulation 18(3) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.”;
- (c) for sub-paragraph 3(c), substitute—
“(c) £14.50.”.

Schedule 3

21.—(1) Schedule 3 (sums to be disregarded in the determination of income other than earnings) is amended as follows.

(2) In paragraph 25(2), omit sub-paragraph (a) and in sub-paragraph (b), omit “to whom that regulation does not apply”.

(3) Omit paragraph 38.

(4) In paragraph 53—

(a) before “paragraph 18” insert “sub-paragraph (1) of”;

(b) for the words from “entitled” to “2002”, substitute “a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph”.

(5) At the end add—

“**63.** Any payment ordered by a court to be made to the relevant person or the relevant person’s partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.”.

Schedule 4

22.—(1) Schedule 4 (capital to be disregarded) is amended as follows.

(a) S.I. 2002/2005

(2) In paragraph 22, omit “33(5)” and “modifications in respect of child and young person,”.

(3) In paragraph 40, for the words “by Her Majesty’s High Court of Justice in England under the provisions of Order 80 of the Rules of the Supreme Court 1965, the county court under Order 10 of the County Court Rules 1981”, substitute “by Her Majesty’s High Court of Justice in England or the county court under rule 21.11(1) of the Civil Procedure Rules 1998”.

Sealed with the Official Seal of the Department for Social Development on 10th November 2006



D.M. Crothers
A senior officer of the
Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004 (“the 2004 Regulations”) which set out the means test for determining the amount of renovation grant, disabled facilities grant and replacement grant which may be paid by the Housing Executive to owner-occupier and tenant applicants under Chapter II of Part III of the Housing (Northern Ireland) Order 2003. The amendments are mostly consequential on changes to the Housing Benefit (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 461), upon which the means test in the 2004 Regulations is based. The main changes of this nature are as follows—

Regulation 3 provides for the 2004 Regulations, where they apply in relation to relevant persons or their partners who have attained the qualifying age for state pension credit, to have effect subject to modifications similar to some of those made for housing benefit by the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 197).

Regulation 5 amends regulation 2 of the 2004 Regulations by inserting a definition of “patient”

Regulation 6 amends regulation 3 of the 2004 Regulations to provide that no grant shall be payable if the applicant applies in the knowledge that a person from abroad who has no entitlement to housing benefit lives or intends to live in the dwelling or, as the case may be, in flat in the building.

Regulation 7 amends regulation 6 of the 2004 Regulations to provide that parents and guardians of disabled persons aged 16 to 18 who are not in advanced level education and not in receipt of benefits are exempt from the means test for disabled facilities grant.

Regulation 8 increases the amounts specified in regulation 11 of the 2004 Regulations, thus increasing the “applicable amount” for the purpose of determining the amount of grant payable.

Regulation 9 uprates the loan generation factors for the purposes of regulation 13 of the 2004 Regulations, which determines the amount by which grant is reduced in cases where the financial resources of the applicant(s) exceed the “applicable amount”.

Regulation 12 introduces, into regulation 18 of the 2004 Regulations, a disregard in respect of the income and capital of a child or young person, and regulations 16 and 17 make amendments consequential upon this.

Regulation 13 increases the maximum deduction which may be made, in cases meeting certain conditions, in respect of average weekly relevant child care charges for the purpose of determination of income on a weekly basis under regulation 19 of the 2004 Regulations.

Regulation 18 increases amounts specified in regulation 44 of the 2004 Regulations as sums to be excluded from a student’s grant income where the student does not have a student loan.

Regulation 19 uprates applicable amounts and premiums in Schedule 1 to the 2004 Regulations.

Regulation 20 amends Schedule 2 to the 2004 Regulations to reflect changes made by the Housing Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 47). Paragraph 18 of Schedule 2 provides for the amount which is to be disregarded from earnings under that Schedule to be increased where certain conditions are satisfied as to the minimum number of hours in each week in which the relevant person or any partner is engaged in remunerative work. The minimum number of hours is reduced from 30 to 16 where the relevant person is a lone parent, or where the relevant person and partner are responsible for one or more children, or where the person engaged in the remunerative work is over the age of 50 or satisfies the condition for a disability premium.

Regulation 21 makes amendments to Schedule 3 to the 2004 Regulations consequential upon the amendments made to the body of those Regulations.

Regulation 22 makes amendments to Schedule 4 to the 2004 Regulations consequential upon the revocation of regulation 33 of the 2004 Regulations and to update references to the rules of Court.