

SCHEDULE 5

Consequential amendments

[^{F1}PART 1

General]

F1 Words in Sch. 5 inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/37\)](#), regs. 1(3), **2(18)(a)**

4. The ESA Regulations are amended as follows—

- (a) in regulation 67(1) ^{M1} in sub-paragraph (c) for “mortgage interest repayments or such other housing costs as are prescribed” substitute “housing costs as prescribed”;
- (b) in regulation 68(1) ^{M2} in sub-paragraph (d) for “mortgage interest payments or such other housing costs as are prescribed” substitute “housing costs as prescribed”;
- (c) in Schedule 6—
 - (i) in paragraph 1(1)(b) for “under paragraph 16 to 18” substitute “under paragraph 18”;
 - (ii) in paragraph 1(2) ^{M3} omit the definition of “standard rate”;
 - (iii) in paragraph 3 ^{M4}—
 - (aa) in sub-paragraph (1)(a) for “under paragraphs 14 to 16 of Schedule 2” substitute “under paragraph 16 of Schedule 2” and for “paragraphs 15 to 17 of Schedule 3” substitute “paragraph 17 of Schedule 3”;
 - (bb) in paragraph (2)(a) for “under paragraphs 11 to 13 of Schedule 2” substitute “under paragraph 13 of Schedule 2”;
 - (iv) in paragraph 6 ^{M5} omit sub-paragraphs (2) to (14),
 - (v) in paragraph 9 ^{M6} omit sub-paragraphs (1)(a)(i) and (2),
 - (vi) in paragraph 10 ^{M7} omit sub-paragraph (2)(a)(i),
 - (vii) omit paragraphs 11 to 14 ^{M8}
 - (viii) in paragraph 15 ^{M9}—
 - (aa) omit sub-paragraph (6);
 - (bb) in sub-paragraph (12)(b) for “any loan or payment which qualifies under paragraphs 16 to 18” substitute “any payment which qualifies under paragraph 18”;
 - (ix) omit paragraphs 16 and 17,
 - (x) in paragraph 18—
 - (aa) for the heading substitute “Housing costs”;
 - (bb) in sub-paragraph (2)(c) omit “, and for this purpose “repairs and improvements” has the meaning given by paragraph 17(2)”;
 - (cc) after sub-paragraph (4) add—
 - “(5) For the purposes of sub-paragraph (2)(c), “repairs and improvements” means any of the following measures undertaken with

Changes to legislation: There are currently no known outstanding effects for the The Loans for Mortgage Interest Regulations (Northern Ireland) 2017, Paragraph 4. (See end of Document for details)

a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of a building containing that dwelling—

- (a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;
- (b) repairs to existing heating system;
- (c) damp proof measures;
- (d) provision of ventilation and natural lighting;
- (e) provision of drainage facilities;
- (f) provision of facilities for preparing and cooking food;
- (g) provision of insulation of the dwelling occupied as the home;
- (h) provision of electric lighting and sockets;
- (i) provision of storage facilities for fuel or refuse;
- (j) repairs of unsafe structural defects;
- (k) adapting a dwelling for the special needs of a disabled person; or
- (l) provision of separate sleeping accommodation for persons of different sexes aged 10 or over but under the age of 20 who live with the claimant and for whom the claimant or the claimant's partner is responsible.”,

(xi) in paragraph 19 ^{M10} after sub-paragraph (2) insert—

“(2A) Where a non-dependant deduction is being made under the Loans for Mortgage Interest Regulations (Northern Ireland) 2017, the amount of the deduction under sub-paragraph (1) or (2) is to be reduced by an amount equal to that non-dependant deduction.”; and

(xii) in paragraph 20 ^{M11} omit sub-paragraph (2).

[^{F1}(d) in Schedule 8—

(i) for paragraph 30 substitute—

“30. Any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations (Northern Ireland) 2017 (legacy benefit claimants and SPC claimants) and used to meet such repayments.”, and

(ii) in paragraph 31(1)—

(aa) in head (a) for “under Schedule 6” substitute “under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations”,

(bb) for head (b) substitute—

“(b) any charge which qualifies in accordance with paragraph 18 of Schedule 6 (housing costs) to these Regulations or any interest payment on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations to the extent that the charge or payment is not met under these Regulations or by loan payments (as the case may be);”;

(cc) in head (c) for “under paragraph 16 or 17 of that Schedule” substitute “under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations”;

(dd) after sub-paragraph (2) add—

“(3) In this paragraph—

“Loans for Mortgage Interest Regulations” means the Loans for Mortgage Interest Regulations (Northern Ireland) 2017;

“loan payments” has the meaning given in the Loans for Mortgage Interest Regulations.”.]

- F1** Sch. 5 para. 4(d) inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/37\)](#), regs. 1(3), **2(18)(d)**

Marginal Citations

- M1** S.R. [2008 No. 280](#); regulation 67(1) was amended by regulation 3(4)(a) of S.R. [2010 No. 6](#).
- M2** Regulation 68(1) was amended by regulation 3(4)(b) of S.R. [2010 No. 6](#).
- M3** Paragraph 1(2) was amended by regulation 4(2)(a) of S.R. [2016 No. 44](#).
- M4** Paragraph 3 was amended by regulation 3(30)(b) of S.R. [2008 No. 413](#).
- M5** Paragraph 6 was amended by regulation 14(10)(a) of S.R. [2011 No.135](#).
- M6** Paragraph 9 was amended by regulation 4(2)(c) of S.R. [2016 No. 44](#).
- M7** Paragraph 10 was amended by regulation 9(18) of S.R. [2010 No. 200](#) and regulation 4(2)(d) of S.R. [2016 No. 44](#).
- M8** Paragraph 11 was amended by regulation 4(2)(e) of S.R. [2016 No.44](#). Paragraph 12 was amended by regulation 3(30)(c) of S.R. [2008 No.413](#) and regulation 4(2)(f) of S.R. [2016 No. 44](#). Paragraph 13 was amended by regulation 2(2)(b) of S.R. [2008 No. 503](#), [regulation 2\(2\)](#) of S.R. [2010 No. 340](#) and regulation 8 of S.R. [2014 No. 105](#). Paragraph 14 was amended by regulation 4(2)(g) of S.R. [2016 No. 44](#).
- M9** Paragraph 15 was amended by regulation 3(30)(d) of S.R. [2008 No. 413](#), [regulation 14\(10\)\(b\) to \(d\)](#) of S.R. [2011 No. 135](#), [regulation 21\(15\)](#) of S.R. [2011 No. 357](#), [regulation 5\(7\)](#) of S.R. [2011 No. 368](#), [Article 28\(6\)\(a\)](#) of S.I. [2013/3021](#), [regulation 4\(2\)](#) of S.R. [2016 No. 44](#) and regulation 34(6)(a) of S.R. [2016 No. 228](#).
- M10** Paragraph 19 was amended by regulation 10(3)(e) of S.R. [2010 No. 69](#), [regulation 21\(15\)](#) of S.R. [2011 No. 357](#), [Article 28\(6\)\(b\)\(i\)](#) of S.I. [2013/3021](#), [regulation 7\(3\)](#) of S.R. [2014 No. 275](#), [regulation 4\(2\)\(h\)\(iii\)](#) of S.R. [2016 No. 44](#) and regulation 34(6)(b)(i) and (ii) and (7)(a) of S.R. [2016 No. 228](#).
- M11** Paragraph 20 was amended by regulation 4(2) of S.R. [2016 No. 44](#).

Changes to legislation:

There are currently no known outstanding effects for the The Loans for Mortgage Interest Regulations (Northern Ireland) 2017, Paragraph 4.