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## STATUTORY INSTRUMENTS

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# 1996 No. 2890

## The Housing Renewal Grants Regulations 1996

### PART I GENERAL

#### Citation and commencement

1. These Regulations may be cited as the Housing Renewal Grants Regulations 1996 and shall come into force on 17th December 1996.

#### Interpretation

2.—(1) In these Regulations,—

“the Act” means the Housing Grants, Construction and Regeneration Act 1996;

“the 1989 Act” means the Local Government and Housing Act 1989<sup>(1)</sup>;

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992<sup>(2)</sup>;

“application”, without more, means an application within section 30(1), other than a landlord’s application for a disabled facilities grant; and “applicant” shall be construed accordingly;

“assessment period” means such period as is prescribed in regulations 20 to 22 over which income falls to be determined;

“attendance allowance” means—

- (a) an attendance allowance under Part III of the 1992 Act;
- (b) an increase of disablement pension under section 104 of that Act;
- (c) a payment under regulations made in exercise of the power conferred by paragraph 7(2) (b) of Part II of Schedule 8 to that Act (constant attendance allowance);
- (d) an increase of an allowance which is payable in respect of constant attendance under a scheme under, or having effect under, paragraph 4 of Part I of Schedule 8 to that Act<sup>(3)</sup> (industrial diseases benefit schemes);
- (e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983<sup>(4)</sup> or any analogous payment;
- (f) any payment based on need for attendance which is paid as part of a war disablement pension;

“charity” has the meaning given by section 96 of the Charities Act 1993<sup>(5)</sup>, and “charitable body” shall be construed accordingly;

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(1) 1989 c. 42.

(2) 1992 c. 4.

(3) See section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975 (c. 16) which was repealed, with savings, by the Social Security (Consequential Provisions) Act 1992 (c. 6).

(4) S.I. 1983/686; relevant amending instruments are S.I. 1983/1164 and 1984/1675.

(5) 1993 c. 10.

“child” means a person under the age of 16;

“child benefit” means child benefit under Part IX of the 1992 Act;

“close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple;

“community charge benefits” means community charge benefits under Part VII of the 1992 Act;

“concessionary payment” means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit under the 1992 Act are charged;

“council tax benefit” means council tax benefit under Part VII of the 1992 Act as amended by the Local Government and Finance Act 1992 (c. 14), section 103 and Schedule 9;

“disability living allowance” means a disability living allowance under Part III of the 1992 Act;

“disability working allowance” means a disability working allowance under section 123 of that Act;

“earnings” has the meaning given by regulation 24 or, as the case may be, 26;

“earnings top-up” means the allowance paid by the Secretary of State under the Earnings Top-up Scheme;

“the Earnings Top-up Scheme” means the Earnings Top-up Scheme 1996(6);

“employed earner” shall be construed in accordance with section 2(1)(a) of the 1992 Act and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay(7);

“family” means—

- (a) a married or unmarried couple;
- (b) a married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;
- (c) a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;

“the Fund” means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992, or, or in Scotland, on 10th April 1992;

“health authority” means a health authority under section 8 of the National Health Service Act 1977(8);

“housing benefit” means housing benefit under Part VII of the 1992 Act;

“incapacity benefit” means long-term incapacity benefit or short-term incapacity benefit under Part II of the 1992 Act;

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(6) This Scheme, which applies only in certain areas of Great Britain, is an extra-statutory Scheme introduced by the Secretary of State for Social Security having effect on 8th October 1996. Copies of the Rules of the Scheme may be obtained from the Customer Services Manager, Earnings Top-up, Norcross, Blackpool FY5 3TA and will be available for inspection at the Department of Social Security, 9th Floor Adelphi, 1–11 John Adam Street, London WC2N 6HT and offices of the Benefits Agency and Employment Job Centres which serve the areas specified in Schedule 1 to the Scheme.

(7) See the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), Parts XI and XII.

(8) 1977 c. 49; section 8 was substituted by section 1 of the Health Authorities Act 1995 (c. 17).

“income-based jobseeker’s allowance” means an income-based jobseeker’s allowance within section 1(4) of the Jobseekers Act 1995<sup>(9)</sup>;

“income-related benefit” means any benefit to which section 123 of the 1992 Act refers;

“income support” means income support under Part VII of that Act;

“the Independent Living (Extension) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;

“the Independent Living Fund” means the charitable trust established out of funds provided by the Secretary of State for the purpose of providing financial assistance to those persons incapacitated by or otherwise suffering from very severe disablement who are in need of such assistance to enable them to live independently;

“the Independent Living (1993) Fund” means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;

“the Independent Living Funds” means the Independent Living Fund, the Independent Living (Extension) Fund and the Independent Living (1993) Fund;

“invalid carriage or other vehicle” means a vehicle propelled by petrol engine or electric power supplied for use on the road and to be controlled by the occupant;

“local authority” and “local housing authority”, in relation to England and Wales, have the same meaning as in the Housing Act 1985; and “local authority”, in relation to Scotland, means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994<sup>(10)</sup>;

“lone parent” means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

“long-term incapacity benefit” means long-term incapacity benefit under Part II of the 1992 Act;

“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<sup>(11)</sup>;

“the MacFarlane Trust” means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

“the MacFarlane (Special Payments) Trust” means the trust of that name, established on 29th January 1990, partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

“the MacFarlane (Special Payments) (No.2) Trust” means the trust of that name, established on 3rd May 1991, partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

“the MacFarlane Trusts” means the MacFarlane Trust, the MacFarlane (Special Payments) Trust and the MacFarlane (Special Payments) (No. 2) Trust;

“married couple” means a man and a woman who are married to each other and are members of the same household;

“maternity leave” means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work

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<sup>(9)</sup> 1995 c. 18

<sup>(10)</sup> 1994 c. 39.

<sup>(11)</sup> 1988 c. 1; the definition of “lower rate” was added by the Finance Act 1992 (c. 20), section 9.

either under the terms of her contract of employment or under Part VIII of the Employment Rights Act 1996<sup>(12)</sup>;

“member of a couple” means a member of a married or unmarried couple;

“mobility supplement” means a supplement to which paragraph 7 of Schedule 3 refers;

“net earnings” means such earnings as are determined in accordance with regulation 25;

“net profit” means such profit as is determined in accordance with regulation 27;

“non-dependant” has the meaning given by regulation 6;

“occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

“partner” means—

- (a) where a person is a member of a married or unmarried couple, the other member of that couple; or
- (b) where a person is polygamously married to two or more members of his household, any such member;

“payment” includes part of a payment;

“pension fund holder” means with respect to a personal pension scheme or retirement annuity contract, the trustees, managers or scheme administrators, as the case may be, of the scheme or contract concerned;

“personal pension scheme” has the same meaning as in section 1 of the Pension Schemes Act 1993<sup>(13)</sup> and, in the case of a self-employed earner, includes a scheme approved by the Board of Inland Revenue under Chapter IV of Part XIV of the Income and Corporation Taxes Act 1988<sup>(14)</sup>;

“policy of life insurance” means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

“polygamous marriage” means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy;

“qualifying person” means a person in respect of whom payment has been made from the Fund;

“rates” means—

- (a) in relation to England and Wales, any amount payable under any of the sections 43, 45 or 54 of the Local Government Finance Act 1988<sup>(15)</sup> (non-domestic rates) and includes any sum payable on account of any such amount; and
- (b) in relation to Scotland, any amount payable under section 3 of the Abolition of Domestic Rates Etc. (Scotland) Act 1987<sup>(16)</sup> (non-domestic rates) and includes any sum payable on account of any such amount;

“relevant person” has the meaning given by regulation 5;

“remunerative work” has the meaning given by regulation 7;

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(12) 1996 c. 18.

(13) 1993 c. 48.

(14) 1988 c. 1.

(15) 1988 c. 41; section 43 was amended by paragraph 60 of Schedule 13 to the Local Government Finance Act 1992 (c. 14); section 45 was amended by paragraph 23 of Schedule 5 to the 1989 Act and by paragraph 63 of Schedule 13 to the Local Government Finance Act 1992.

(16) 1987 c. 47.

“retirement annuity contract” means a contract or trust scheme approved under Chapter III of Part XIV of the Income and Corporation Taxes Act 1988;

“self-employed earner” shall be construed in accordance with section 2(1)(b) of the 1992 Act;

“short-term incapacity benefit” means short-term incapacity benefit under Part II of the 1992 Act;

“single person” means a person who neither has a partner nor is a lone parent;

“social fund payment” means a payment pursuant to Part VIII of the 1992 Act;

“student” has the meaning given in regulation 41;

“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;

“supplementary benefit” means a supplementary pension or allowance under section 1 or 4 of the Supplementary Benefits Act 1976<sup>(17)</sup>;

“training allowance” has the meaning given by regulation 2(1) of the Housing Benefit (General) Regulations 1987<sup>(18)</sup>;

“unmarried couple” means a man and woman who are not married to each other but are living together as husband and wife;

“voluntary organisation” has the meaning given by section 105(1) of the Children Act 1989<sup>(19)</sup>;

“war disablement pension” and “war widow’s pension” have the meanings respectively given by section 150(2) of the 1992 Act;

“water charges” means—

- (a) in relation to England and Wales, any water and sewerage charges under Chapter I of Part V of the Water Industry Act 1991<sup>(20)</sup>;
- (b) in relation to Scotland, any water and sewerage charges under Schedule 5 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987<sup>(21)</sup>, or any water charges under Part I of Schedule 11 to the Local Government Finance Act 1992<sup>(22)</sup>,

in so far as such charges are in respect of the dwelling which a person occupies as his only or main residence;

“year of assessment” has the meaning given by section 832(1) of the Income and Corporation Taxes Act 1988<sup>(23)</sup>;

“young person” means a person, not being a person who is in receipt of income support or a person who is receiving advanced education within the meaning of regulation 12(2) of the Income Support (General) Regulations 1987<sup>(24)</sup> (relevant education), aged 16 or over but under 19 who is treated as a child for the purposes of section 142 of the 1992 Act (meaning of child).

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

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<sup>(17)</sup> 1976 c. 71; sections 1 and 4 were repealed by the Social Security Act 1986 (c. 50), section 86(2) and Schedule 11.

<sup>(18)</sup> S.I. 1987/1971; the definition was inserted by S.I. 1990/546, and amended by S.I. 1991/387 and 1992/432.

<sup>(19)</sup> 1989 c. 41.

<sup>(20)</sup> 1991 c. 56.

<sup>(21)</sup> 1987 c. 47.

<sup>(22)</sup> 1992 c. 14.

<sup>(23)</sup> 1988 c. 1; section 832(1) was amended by section 79(1) of and Schedule 6 to the Finance Act 1993 (c. 34).

<sup>(24)</sup> S.I. 1987/1967; regulation 12 was substituted by regulation 5 of S.I. 1990/547 and amended by S.I. 1992/2155 and 1993/2119.

(3) For the purposes of these Regulations, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day—

- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with section 19 of the Jobseekers Act 1995<sup>(25)</sup> (circumstances in which a jobseeker's allowance is not payable); or
- (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for section 19 of that Act.

### **Persons from abroad**

3.—(1) No grant shall be payable under Chapter I of Part I of the Act if the applicant, or any of the applicants, is a person from abroad within the meaning of regulation 7A (persons from abroad) of the Housing Benefit (General) Regulations 1987<sup>(26)</sup>, as those regulations have effect from time to time.

(2) In this regulation, “applicant” means a person who applies, or who joins in an application, for a grant under Chapter I of Part I of the Act.

### **Landlord's applications: power for local housing authorities to obtain information from pension fund holders**

4. In the case of any application to which section 31 of the Act (determination of amount of grant in case of landlord's application) applies, a local housing authority may require a pension fund holder to provide the authority with the information specified in paragraph (8) of regulation 31 (details of deferred income under personal pension scheme or retirement annuity contract) for the purpose of determining as described in paragraphs (4) and (5) of that regulation the amount of any income foregone under a personal pension scheme or retirement annuity contract by an applicant, or a partner of an applicant, who is aged not less than 60.

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<sup>(25)</sup> 1995 c. 18.

<sup>(26)</sup> S.I. 1987/1971; regulation 7A was inserted by S.I. 1994/470 and amended by S.I. 1994/1807, 1996/30, 1510 and 2432.