

1999 No. 1523

HOUSING, ENGLAND AND WALES

**The Housing Renewal Grants (Amendment) Regulations
1999**

<i>Made</i> - - - -	<i>27th May 1999</i>
<i>Laid before Parliament</i>	<i>9th June 1999</i>
<i>Coming into force</i>	<i>30th June 1999</i>

The Secretary of State for the Environment, Transport and the Regions, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by sections 30 and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996(a), and of all other powers enabling them in that behalf, and with the consent of the Treasury, hereby make the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Housing Renewal Grants (Amendment) Regulations 1999 and shall come into force on 30th June 1999.

Amendment of the Housing Renewal Grants Regulations 1996

2. The Housing Renewal Grants Regulations 1996(b) are amended in accordance with regulations 3 to 15.

Regulation 2

3. In regulation 2(1) (interpretation)(c)—

(a) after the definition of “the Earnings Top-up Scheme”, insert—

“ “the Eileen Trust” means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;”;

(b) after the definition of “the Independent Living Funds”, insert—

“ “intensive activity period (New Deal) programme” means the programme known as the intensive activity period of the New Deal pilot for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations 1998(d) in regulation 2(1) of those Regulations;”.

(a) 1996 c. 53.
(b) S.I. 1996/2890, amended by S.I. 1996/3119, 1997/977, 1998/808.
(c) Regulation 2 was amended by S.I. 1998/808.
(d) S.I. 1998/2825.

Regulation 7

4. In regulation 7 (remunerative work), after paragraph (6), insert–

“(6A) A person shall not be treated as engaged in remunerative work in any week in which he is participating in the intensive activity period (New Deal) programme.”.

Regulation 12

5. In regulation 12 (reduction in amount of grant)(a)–

- (a) in paragraph (1)(a), for “17.39” substitute “18.75”;
- (b) in paragraph (1)(b), for “34.78” substitute “37.50”;
- (c) in paragraph (1)(c), for “139.13” substitute “150.02”;
- (d) in paragraph (1)(d), for “347.82” substitute “375.04”;
- (e) in paragraph (2)(a), for “10.40” substitute “10.87”;
- (f) in paragraph (2)(b), for “20.80” substitute “21.74”;
- (g) in paragraph (2)(c), for “83.22” substitute “86.95”; and
- (h) in paragraph (2)(d), for “208.04” substitute “217.37”.

Regulation 31

6. In regulation 31 (notional income)(b)–

- (a) for paragraph (9A) substitute–

“(9A) The payments for the purposes of the exclusion in paragraph (9) are any payment of income–

- (a) made under the MacFarlane Trusts, the Fund, the Eileen Trust or the Independent Living Funds;
- (b) made pursuant to section 19(1)(a) of the Coal Industry Act 1994(c) (concessionary coal);
- (c) made pursuant to section 2 of the Employment and Training Act 1973(d) in respect of a person’s participation–
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations(e); or
 - (iv) in the intensive activity period (New Deal) programme but only to the extent that it is not used for a purpose specified in paragraph (9)(a) of this regulation.”;

- (b) in paragraph (10)–

- (i) at the beginning, for “Where”, substitute “Subject to paragraph (10A), where”;
- (ii) omit the words from “; but this paragraph” to the end of the paragraph;

- (c) after paragraph (10) insert–

“(10A) Paragraph (10) shall not apply–

- (a) to a relevant person who is engaged by a charitable or voluntary organisation or is a volunteer if it is reasonable for him in any of those cases to provide his services free of charge; or

(a) Regulation 12 was amended by S.I. 1997/977, 1998/808.

(b) Regulation 31 was amended by S.I. 1998/808.

(c) 1994 c. 21.

(d) 1973 c. 50; section 2 was substituted by section 25 of the Employment Act 1998 (c. 19) and then amended by Schedule 7 to the Employment Act 1989 (c. 38).

(e) Regulation 17A was inserted by S.I. 1998/1274.

- (b) to a service performed in connection with the relevant person’s participation–
 - (i) in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker’s Allowance Regulations; or
 - (ii) in the intensive activity period (New Deal) programme.”.

Regulation 35

7. In regulation 35 (income treated as capital), at the end, add–

“(7) There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under an employment programme specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker’s Allowance Regulations, but only in so far as those receipts were payable into a special account (as defined for the purposes of Chapter IVA of Part VIII of those Regulations) during the period in which that person was receiving such assistance.”.

Regulation 38

8. In regulation 38 (notional capital)(a)–

(a) omit “or” at the end of paragraph (2)(d), and at the end of paragraph (2)(e) insert–

“or

(f) any rehabilitation allowance made under section 2 of the Employment and Training Act 1973,”;

(b) in paragraph (3), for the words from the beginning to “regulation 75(1)(b)(ii) of those Regulations” substitute “Any payment of capital, other than any of the payments referred to in paragraph (3A)”;

(c) after paragraph (3) insert–

“(3A) The payments for the purposes of the exclusion in paragraph (3) are any payment of capital–

(a) made under any of the Macfarlane Trusts, the Fund, the Eileen Trust or the Independent Living Funds;

(b) made pursuant to section 2 of the Employment and Training Act 1973 in respect of a person’s participation–

(i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations;

(ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

(iii) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or

(iv) in the intensive activity period (New Deal) programme but only to the extent that it is not used for a purpose specified in paragraph (3)(a) of this regulation.”.

Regulation 39

9. In regulation 39 (capital jointly held), for “to an equal share” to the end, substitute “to the whole beneficial interest in the asset in an equal share and the preceding provisions of this Chapter shall apply for the purposes of calculating the amount of capital which the relevant person is treated as possessing as if it were actual capital which the relevant person does possess.”.

Regulation 41

10. In regulation 41 (interpretation), in the definition of “contribution”, after “in respect of the income”, insert “of a student or”.

(a) Regulation 38 was amended by S.I. 1998/808.

Regulation 43

11. In regulation 43(2)(f) (determination of grant income)(a), for “£287”, substitute “£295”.

Insertion of regulation 47A

12. At the end of regulation 47 (disregard of contribution), insert—

“Further disregard of student’s income

47A. Where any part of a student’s income has already been taken into account for the purposes of assessing his entitlement to a grant, the amount taken into account shall be disregarded in assessing that student’s income.”.

Schedule 1

- 13.—(1) In paragraph 1 of Part I of Schedule 1 (applicable amounts: personal allowances)(b), in the column headed “(2) Amount”—

- (a) in sub-paragraph (1)(a), for “£39.85” substitute “£40.70”;
- (b) in sub-paragraph (1)(b), for “£50.35” substitute “£51.40”;
- (c) in sub-paragraph (2)(a), for “£39.85” substitute “£40.70”;
- (d) in sub-paragraph (2)(b), for “£50.35” substitute “£51.40”;
- (e) in sub-paragraph (3)(a), for “£60.10” substitute “£61.35”; and
- (f) in sub-paragraph (3)(b), for “£79.00” substitute “£80.65”.

- (2) In paragraph 2 of Part I of Schedule 1 (applicable amounts: personal allowances), in the column headed “(2) Amount”—

- (a) in sub-paragraph (a), for “£17.30” substitute “£20.20”;
- (b) in sub-paragraph (b), for “£25.35” substitute “£25.90”; and
- (c) in sub-paragraph (c), for “£30.30” substitute “£30.95”.

- (3) For paragraph 3 of Part II of Schedule 1 (applicable amounts: family premium), substitute—

“3.—(1) Subject to sub-paragraph (2), the amount for the purposes of regulations 14(c) and 15(d) shall be £13.90.

(2) Where the relevant person was a lone parent throughout the period starting on 5th April 1998 and ending on the date on which the application is made, and no premium is applicable under paragraph 8, 9, 10 or 11, the amount for those purposes shall be £22.05.”.

- (4) In paragraph 18 of Part IV of Schedule 1 (applicable amounts: amounts of premiums specified in Part III), in the column headed “Amount”—

- (a) in sub-paragraph (1)(a), for “£20.10” substitute “£23.60”;
- (b) in sub-paragraph (1)(b), for “£30.35” substitute “£35.95”;
- (c) in sub-paragraph (2)(a), for “£22.35” substitute “£25.90”;
- (d) in sub-paragraph (2)(b), for “£33.55” substitute “£39.20”;
- (e) in sub-paragraph (3)(a), for “£27.20” substitute “£30.85”;
- (f) in sub-paragraph (3)(b), for “£38.90” substitute “£44.65”;
- (g) in sub-paragraph (4)(a), for “£21.45” substitute “£21.90”;
- (h) in sub-paragraph (4)(b), for “£30.60” substitute “£31.25”;
- (i) in sub-paragraph (5)(a), for “£38.50” substitute “£39.75”;
- (j) in sub-paragraph (5)(b)(i), for “£38.50” substitute “£39.75”;
- (k) in sub-paragraph (5)(b)(ii), for “£77.00” substitute “£79.50”;
- (l) in sub-paragraph (6), for “£21.45” substitute “£21.90”; and
- (m) in sub-paragraph (7), for “£13.65” substitute “£13.95”.

(a) Regulation 43(2)(f) was amended by S.I. 1998/808.

(b) Schedule 1 was amended by S.I. 1997/977, 1998/808.

Schedule 3

14. In Schedule 3 (sums to be disregarded in the determination of income other than earnings)(a)–

- (a) in paragraph 22(1)(b) after “(payment towards maintenance of children);”, insert–
- “(c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995(b), in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);”;
- (b) for paragraph 24, substitute–
- “24. Any payment made to the relevant person or his partner for a person (“the person concerned”), who is not normally a member of the relevant person’s household but is temporarily in his care, by–
- (a) a health authority;
- (b) a local authority;
- (c) a voluntary organisation; or
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948(c).”;
- (c) for paragraph 26, substitute–
- “26.—(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments–
- (a) on a loan which is secured on the dwelling which the relevant person occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974(d) or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part III of the Hire-Purchase Act 1964(e).
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to–
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
- (b) meet any amount due by way of premiums on–
- (i) that policy; or
- (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the relevant person as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).”;
- (d) in paragraph 31, for “paragraphs 12”, substitute “paragraphs 12(1)”;
- (e) for paragraph 61, substitute–
- “61. Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in an employment programme specified in–
- (a) regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker’s Allowance Regulations;
- (b) regulation 75(1)(a)(ii)(bb) of those Regulations; or
- (c) regulation 75(1)(a)(ii)(cc) of those Regulations.”;

(a) Schedule 3 was amended by S.I. 1996/3119, 1997/977, 1998/808.

(b) S.I. 1995/755 (N.I.2).

(c) 1948 c. 29; section 26(3A) was inserted by section 42(4) of the National Health Service and Community Care Act 1990 (c. 19).

(d) 1974 c. 39.

(e) 1964 c. 53; Part III was substituted by the Consumer Credit Act 1974 (c. 39), Schedule 4, paragraph 22.

(f) at the end, add–

63.—(1) Subject to sub-paragraph (2), where a person is receiving, or has received, assistance under an employment programme specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker’s Allowance Regulations for the purpose of establishing or carrying out commercial activity, any payment to that person–

- (a) to meet expenses wholly and necessarily incurred whilst carrying out that activity; or
- (b) which is used or intended to be used to maintain repayments on a loan taken out by him for that purpose.

(2) Sub-paragraph (1) shall apply only in respect of payments which are paid to that person from the special account as defined for the purposes of Chapter IVA of Part VIII of the Jobseeker’s Allowance Regulations.

64.—(1) Subject to sub-paragraph (2), any discretionary payment made pursuant to section 2 of the Employment and Training Act 1973 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7) of the Jobseeker’s Allowance Regulations.

(2) No amount shall be disregarded pursuant to sub-paragraph (1) in respect of travel expenses incurred as a result of the student’s attendance on the course where an amount in respect of those expenses has already been disregarded pursuant to regulation 45 (other amounts to be disregarded).

65. Any child care expenses reimbursed to the relevant person in respect of his participation in the intensive activity period (New Deal) programme but this paragraph does not apply to any part of any allowance under section 2(2)(d) of the Employment and Training Act 1973.

66. Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in the intensive activity period (New Deal) programme.”.

Schedule 4

15. In Schedule 4 (capital to be disregarded)(a)–

(a) in paragraph 8, at the end, add–

“(3) In the case of a person who is receiving assistance under an employment programme specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker’s Allowance Regulations, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.”;

(b) for paragraph 52 substitute–

52. Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in an employment programme specified in–

- (a) regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker’s Allowance Regulations;
- (b) regulation 75(1)(a)(ii)(bb) of those Regulations; or
- (c) regulation 75(1)(a)(ii)(cc) of those Regulations,

but only for a period of 52 weeks from the date of receipt of the payment.”;

(a) Schedule 4 was amended by S.I. 1998/808.

(c) at the end, add—

“54. In the case of a person who is receiving, or who has received, assistance under an employment programme specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker’s Allowance Regulations, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

55. Any discretionary payment made pursuant to section 2 of the Employment and Training Act 1973 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7) of the Jobseeker’s Allowance Regulations but only for the period of 52 weeks from the date of receipt of that payment.

56. Any child care expenses reimbursed to the relevant person in respect of his participation in the intensive activity period (New Deal) programme but only for a period of 52 weeks from the date of receipt of the payment.

57. Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in the intensive activity period (New Deal) programme but only for a period of 52 weeks from the date of receipt of the payment.”.

Application

16.—(1) The amendments made by these Regulations and the revocation in paragraph (2) shall not have effect in relation to applications for grant made before these Regulations come into force.

(2) Regulation 21(2) and (3) of the Housing Renewal Grants (Amendment) Regulations 1998(a) is revoked.

Signed by the authority of the Secretary of State
for the Environment, Transport and the Regions

24th May 1999

Nick Raynsford
Parliamentary Under Secretary of State,
Department of the Environment, Transport and the Regions

Signed by the authority of the Secretary of State
for Wales

25th May 1999

Jon Owen Jones
Parliamentary Under-Secretary of State,
Welsh Office

We consent,

27th May 1999

Jim Dowd
David Jamieson
Two of the Lords Commissioners of Her
Majesty’s Treasury

(a) S.I. 1998/808.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Part II of the Housing Renewal Grants Regulations 1996 (“the principal Regulations”), which sets out a means test for determining the amount of renovation grant and disabled facilities grant which may be paid by local authorities to owner-occupier and tenant applicants under Chapter I of Part I of the Housing Grants, Construction and Regeneration Act 1996.

The amendments reflect changes in housing benefit regulations, upon which the means test is based, and make minor and drafting changes.

Regulations 3 to 15 contain the amendments. In particular:

regulation 5 uprates the multipliers in regulation 12 of the principal Regulations (reduction in amount of grant);

regulation 6 provides for certain payments made to providers under the New Deal for unemployed persons (“New Deal”) to be excluded from a person’s notional income;

regulations 7, 8, 9 and 15 amend provisions in Chapter IX of Part II of, and Schedule 4 to, the principal Regulations (capital): regulation 7 provides that certain receipts of any commercial activity carried on by a New Deal participant shall be treated as a person’s capital, regulation 8 provides that rehabilitation allowances and payments made to providers under the New Deal shall be excluded from a person’s notional capital, and regulation 15 provides for certain payments made to New Deal participants to be disregarded for the purposes of calculating a person’s capital;

regulations 10, 11 and 12 amend provisions in Chapter X of Part II of the principal Regulations (students) with respect to the assessment of a student’s income;

regulation 13 uprates the applicable amounts and premiums in Schedule 1 to the principal Regulations;

regulation 14 provides for the following to be disregarded in the calculation of a person’s income other than earnings—

certain payments made pursuant to the Children (Northern Ireland) Order 1995 and the National Assistance Act 1948;

payments received under certain insurance policies taken out to insure against the risk of being unable to maintain repayments on certain loans or under a hire-purchase or similar agreement; and

certain payments made to New Deal participants.

Regulation 16 contains transitional provisions.

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