

1999 No. 2568

HOUSING, ENGLAND

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

Made - - - *14th September 1999*
Laid before Parliament *14th September 1999*
Coming into force *5th October 1999*

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

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Housing Renewal Grants (Amendment) (England) Regulations 1999 and shall come into force on 5th October 1999.

(2) These Regulations extend to England only.

Amendments

2. The Housing Renewal Grants Regulations 1996(b) are amended in accordance with the following regulations.

Regulation 2

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

(a) for the definition of “disability working allowance”, substitute the following definition—
“ “disabled person’s tax credit” means a disabled person’s tax credit under section 129 of the 1992 Act(c) or a payment in accordance with an award of disability working allowance under that section which was awarded with effect from a date falling before 5th October 1999;”;

(b) after the definition of “water charges” insert—
“ “working families’ tax credit” means a working families’ tax credit under section 128 of the 1992 Act(d) or a payment in accordance with an award of family credit under that section which was awarded with effect from a date falling before 5th October 1999;”.

Regulation 19

4. In regulation 19 (treatment of child care charges)—

(a) in paragraph (4)(e), for the definition of “relevant child care charges”, substitute—
“ “relevant child care charges” means those charges for care to which paragraphs (5) and (6) apply, and shall be calculated on a weekly basis in accordance with paragraph (2).”;

(a) 1996 c. 53; the Secretary of State can exercise the power under these sections only in relation to England: *see* article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
(b) S.I. 1996/2890, amended by S.I. 1996/3119, 1997/977, 1998/808, 1999/1523.
(c) 1992 c.4; *see* section 1(1) and Schedule 1 to the Tax Credits Act 1999 (c. 10).
(d) *See* section 1(1) and Schedule 1 to the Tax Credits Act 1999.
(e) Relevant amending instruments are S.I. 1997/977 and 1998/808.

- (b) after paragraph (4) add—
- “(5) This paragraph applies to charges paid by the relevant person for care which is provided—
- (a) in the case of any child of the relevant person’s family who is not disabled, in respect of the period beginning on that child’s date of birth and ending on the day preceding the first Monday in September following that child’s fifteenth birthday;
 - (b) in the case of any child of the relevant person’s family who is disabled, in respect of the period beginning on that child’s date of birth and ending on the day preceding the first Monday in September following that child’s sixteenth birthday.
- (6) This paragraph applies to charges paid for care which is provided in accordance with paragraph (7) but not paid—
- (a) in respect of the child’s compulsory education; or
 - (b) by a relevant person to a partner or by a partner to a relevant person in respect of any child for whom either of them is responsible in accordance with regulation 8 (circumstances in which a person is to be treated as responsible or not responsible for another).
- (7) The care to which paragraph (6) refers is provided—
- (a) by persons registered under section 71 of the Children Act 1989^(a) (registration of child minders and persons providing day care for young children);
 - (b) out of school hours, by a school on school premises or by a local authority—
 - (i) for a child who is not disabled in respect of the period beginning on his eighth birthday and ending on the day preceding the first Monday in September following his fifteenth birthday, or
 - (ii) for a child who is disabled in respect of the period beginning on his eighth birthday and ending on the day preceding the first Monday in September following his sixteenth birthday;
 - (c) by a child care scheme operating on Crown property where registration under section 71 of the Children Act 1989 is not required; or
 - (d) in schools or establishments which are exempt from registration under section 71 of the Children Act 1989 by virtue of section 71(16) of, and paragraph 3 or 4 of Schedule 9 to, that Act.
- (8) For the purposes of paragraphs (5) to (7)—
- (a) a person shall be treated as a child in respect of the period commencing on his sixteenth birthday and ending on the day preceding the first Monday in September following his sixteenth birthday; and
 - (b) a child is disabled if he is a child—
 - (i) in respect of whom disability living allowance is payable, or has ceased to be payable solely because he is a patient;
 - (ii) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948^(b) (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a regional or islands council; or
 - (iii) who ceased to be registered as blind in such a register within the 28 weeks immediately preceding the date of claim.”.

Regulations 25 and 27

5. In regulations 25(2) (determination of net earnings of employed earners) and 27(2) (determination of net profit of self-employed earners), in each case—

- (a) before “paragraphs” insert “any of”, and
- (b) for “14” substitute “16 or 18”.

Schedule 2

6. At the end of Schedule 2 (sums to be disregarded in the determination of earnings), add—

“18.—(1) In a case where the relevant person is a person who satisfies the conditions set out in either sub-paragraph (2) or (3), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (4), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10 of this Schedule shall be increased by an amount equal to either—

(a) 1989 c. 41.

(b) 1948 c. 29.

- (a) the tax credit referred to in regulation 46(1)(aa) of the Family Credit Regulations if he satisfies the conditions of sub-paragraph (2); or
- (b) the tax credit referred to in regulation 51(1)(bb) of the Disability Working Allowance Regulations if he satisfies the conditions of sub-paragraph (3),

and in a case where the relevant person satisfies the conditions of both sub-paragraphs (2) and (3), his disregarded earnings shall be increased by the higher of the two amounts, or if they are the same, by that amount.

(2) The conditions of this sub-paragraph are that—

- (a) the relevant person or, if he is a member of a couple, the relevant person or his partner, is a person to whom regulation 46(1)(aa) of the Family Credit Regulations applies; or
- (b) —
 - (i) the relevant person is or, if he is a member of a couple, one member of that couple is or both members are, engaged in remunerative work for on average not less than 30 hours per week; and
 - (ii) the relevant person’s applicable amount includes a family premium under paragraph 3 of Schedule 1 to these Regulations.

(3) The conditions of this sub-paragraph are that—

- (a) the relevant person or, if he is a member of a couple, the relevant person or his partner, is a person to whom regulation 51(1)(bb) of the Disability Working Allowance Regulations applies; or
- (b) —
 - (i) the relevant person is or, if he is a member of a couple, one member of that couple is or both members are, engaged in remunerative work for on average not less than 30 hours per week; and
 - (ii) the relevant person’s applicable amount includes a higher pensioner premium or a disability premium under paragraph 10 or 11 of Schedule 1 to these Regulations respectively; and
 - (iii) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the higher pensioner premium or the disability premium referred to in sub-paragraph (ii) above and is engaged in remunerative work for on average not less than 16 hours per week.

(4) The following are the amounts referred to in sub-paragraph (1)—

- (a) the amount calculated as disregarded from the relevant person’s earnings under paragraphs 3 to 10 of this Schedule;
- (b) the amount of child care charges calculated as deductible under regulation 18(1); and
- (c) —
 - (i) in the case of a relevant person who satisfies the conditions of sub-paragraph (2), the amount of the tax credit referred to in regulation 46(1)(aa) of the Family Credit Regulations; or
 - (ii) in the case of a relevant person who satisfies the conditions of sub-paragraph (3), the amount of the tax credit referred to in regulation 51(1)(bb) of the Disability Working Allowance Regulations;

and in a case where the relevant person satisfies the conditions of both sub-paragraphs (2) and (3) the higher of the two amounts or, if they are the same, that amount.

(5) In this paragraph—

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987(a); and

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(b).”.

(a) S.I. 1987/1973; regulation 46(1)(aa) was inserted by S.I. 1995/1339.

(b) S.I. 1991/2887; regulation 51(1)(bb) was inserted by S.I. 1995/1339 and is amended by S.I. 1999/2487.

Schedule 3

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

(a) in paragraph 54–

(i) at the beginning of that paragraph, insert–

“Except in a case which falls under paragraph 18 of Schedule 2 to these Regulations,”

and

(ii) for “amount of disability working allowance”, substitute “amount of disabled person’s tax credit”;

(b) in paragraph 55–

(i) at the beginning of that paragraph, insert–

“Except in a case which falls under paragraph 18 of Schedule 2 to these Regulations,”

and

(ii) for “amount of family credit”, substitute “amount of working families’ tax credit”.

Application

8. The amendments made by these Regulations shall not have effect in relation to applications for grant made before the date on which these Regulations come into force.

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

8th September 1999

We consent to the making of these Regulations

Nick Raynsford
Minister of State,
Department of the Environment,
Transport and the Regions

14th September 1999

Bob Ainsworth
Jim Dowd
Two of the Lords Commissioners
of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Most of these amendments are consequential on amendments to the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971). There are also minor and drafting amendments.

Regulation 3 defines working families’ tax credit and disabled person’s tax credit, which replace family credit and disability working allowance respectively from 5th October 1999. Working families’ tax credit and disabled person’s tax credit were introduced by the Tax Credits Act 1999.

Regulation 4 changes the treatment of relevant child care charges in the means test to extend the relevant ages of children from twelve to fifteen, and to sixteen in the case of disabled children.

Regulations 6 and 7 amend the provisions relating to the sums to be disregarded in the determination of earnings and other income in Schedules 2 and 3 to the principal Regulations.

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