
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 8

**Housing Renewal Grants (Reduction of
Grant) Regulations (Northern Ireland) 2004**

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004 and shall come into operation on 16th February 2004.

Interpretation

2.—(1) In these Regulations –

“adoption leave” means a period of absence from work on ordinary or additional adoption leave under Article 107A or 107B of the Employment Rights (Northern Ireland) Order 1996⁽¹⁾;

“application” means an application within Article 61 or 62 of the Order or, as the case may be, Article 73 of the Housing (Northern Ireland) Order 1992;

“assessment period” means such period as is prescribed in regulations 21 to 23 over which income falls to be determined;

“attendance allowance” means –

- (a) an attendance allowance under section 64 of the 1992 Act⁽²⁾;
- (b) an increase of disablement pension under section 104 or 105 of that Act;
- (c) a payment under regulations made in exercise of the power conferred by paragraph 4(2)(b) of Schedule 8 to that Act;
- (d) a payment analogous to a payment by way of an increase of an allowance payable in respect of constant attendance under paragraph 4 of Schedule 8 to the Social Security Contributions and Benefits Act 1992⁽³⁾;
- (e) a payment by virtue of Article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983⁽⁴⁾ or any analogous payment;
- (f) any payment based on need for attendance which is paid as part of a war disablement pension;

(1) [S.I. 1996/1919 \(N.I. 16\)](#); Articles 107A and 107B were inserted by Article 3 of the Employment (Northern Ireland) Order 2002 ([S.I. 2002/2836 \(N.I. 2\)](#))

(2) Section 64 was amended by Article 63(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 ([S.I. 1999/3147 \(N.I. 11\)](#))

(3) 1992 c. 4

(4) [S.I. 1983/686](#); the relevant amending instruments are [S.I. 1984/1675](#) and [S.I. 2001/420](#)

“benefit week” means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

“carer’s allowance” means a carer’s allowance under section 70(5) of the 1992 Act;

“charity” has the meaning given by section 35 of the Charities Act (Northern Ireland) 1964(6), and “charitable body” shall be construed accordingly;

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

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

“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002(7);

“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;

“concessionary payment” means a payment made under arrangements made by the Department for Social Development, with the consent of the Department of Finance and Personnel, which is charged either to the Northern Ireland National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit under the 1992 Act are charged;

“Crown property” means property held by Her Majesty in right of the Crown or by a government department or which is held in trust for Her Majesty for the purposes of a government department, except (in the case of an interest held by Her Majesty in right of the Crown) where the interest is held under the management of the Crown Estate Commissioners;

“Crown Estate Commissioners” have the same meaning as in the Interpretation Act 1978(8);

“disability living allowance” means a disability living allowance under section 71 of the 1992 Act;

“earnings” has the meaning assigned by regulation 25 or, as the case may be, 27;

“education and library board” means an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(9);

“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 Social Security for the benefit of persons eligible for payment in accordance with its provisions;

“employed earner” means a person who is gainfully employed in Northern Ireland or the Republic of Ireland either under a contract of service, or in an office (including elective office) with emoluments chargeable to income tax under Schedule E or, as the case may be, chargeable under the legislation of the Republic of Ireland which is analogous to income tax under Schedule E, and also includes a person who is in receipt of a payment which is payable under any statutory provision having effect in Great Britain and which corresponds to statutory sick pay or statutory maternity pay(10);

“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;

(5) Section 70 was amended by Article 2(a)(iii) and Article 3 of the Deregulation (Carer’s Allowance) Order (Northern Ireland) 2002 (S.R. 2002 No. 321)

(6) 1964 c. 33 (N.I.); to which there are amendments not relevant to these Regulations

(7) 2002 c. 21

(8) 1978 c. 30

(9) S.I. 1986/594 (N.I. 3); to which there are amendments not relevant to these Regulations

(10) See the Social Security Contributions and Benefits Act 1992 (c. 4), Parts XI and XII

- (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 in Scotland, on 10th April 1992;
- “guarantee credit” shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act (Northern Ireland) 2002⁽¹¹⁾;
- “Health and Social Services Board” means a Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972⁽¹²⁾;
- “higher rate” where it relates to rates of tax means any rate of income tax determined in pursuance of section 1(2)(b) of the Income and Corporation Taxes Act 1988⁽¹³⁾;
- “housing benefit” means housing benefit under Part VII of the 1992 Act;
- “incapacity benefit” means short-term incapacity benefit or long-term incapacity benefit under section 30A of the 1992 Act⁽¹⁴⁾ (incapacity benefit: entitlement);
- “income-based jobseeker’s allowance” and “a joint claim jobseeker’s allowance” have the same meaning as they have in Article 3(4) of the Jobseekers (Northern Ireland) Order 1995⁽¹⁵⁾;
- “income-related benefit” means any benefit to which section 122(1) of the 1992 Act refers;
- “income support” means income support under Part VII of the 1992 Act;
- “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 (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 (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;
- “the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996⁽¹⁶⁾;
- “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;

(11) 2002 c. 14 (N.I.)

(12) S.I. 1972/1265 (N.I. 14)

(13) 1988 c. 1; section 1(2)(b) was substituted by section 24(2)(a) of the Finance Act 1988 (c. 39) and amended by Article 2(2) (b) of the Income Tax (Indexation) Order 1993 (S.I. 1993/755)

(14) Section 30A was inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))

(15) S.I. 1995/2705 (N.I. 15); the definition of “a joint claim jobseeker’s allowance” was inserted by paragraph 3(4) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(16) S.R. 1996 No. 198; the relevant amending regulations are S.R. 1997 No. 541, S.R. 1998 No. 182, S.R. 1998 No. 198, S.R. 1998 No. 541, S.R. 1999 No. 467, S.R. 2000 No. 197 and S.R. 2001 No. 151

“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⁽¹⁷⁾;

“the Macfarlane Trust” means the charitable trust, established partly out of funds provided by the Secretary of State for Social Security to the Haemophilia Society, for the relief of poverty or distress among those 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 Social Security for the benefit of certain persons suffering from haemophilia and other beneficiaries;

“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 Social Security for the benefit of certain persons suffering from haemophilia;

“married couple”, except in regulation 11(2)(b), paragraph 12(b) of Schedule 2, paragraph 4(b) of Schedule 3 and paragraph 6(b) of Schedule 4, has the meaning assigned to it by section 133 of the 1992 Act;

“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 either under the terms of her contract of employment or under Part IX of the Employment Rights (Northern Ireland) Order 1996⁽¹⁸⁾;

“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 26;

“net profit” means such profit as is determined in accordance with regulation 28;

“the New Deal Options” means the employment programmes specified in regulation 75(1)(a)(i) of the Jobseeker’s Allowance Regulations and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

“non-dependant” has the meaning assigned by regulation 7;

“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;

“the Order” means the Housing (Northern Ireland) Order 2003;

“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;

“parental leave” means maternity leave, paternity leave or adoption leave;

“paternity leave” means a period of absence from work on leave under Article 112A or 112B of the Employment Rights (Northern Ireland) Order 1996⁽¹⁹⁾;

“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;

(17) 1988 c. 1; the definition of “lower rate” was inserted by section 9(9) of the Finance Act 1992 (c. 20)

(18) S.I. 1996/1919 (N.I. 16); to which there are amendments not relevant to these Regulations

(19) Articles 112A and 112B were inserted by Article 4 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))

“personal pension scheme” has the same meaning as in section 1 of the Pension Schemes (Northern Ireland) Act 1993⁽²⁰⁾ 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⁽²¹⁾;

“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;

“Preparation for Employment Programme” means the programme known by that name as defined for the purposes of the Jobseeker’s Allowance Regulations in regulation 75(i)(a) (v)⁽²²⁾ of those Regulations;

“Preparation for Employment Programme for 50 plus” means the programme known by that name as defined for the purposes of the Jobseeker’s Allowance Regulations in regulation 1(2)⁽²³⁾ of those Regulations;

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

“rates” has the same meaning as in the Rates (Northern Ireland) Order 1977⁽²⁴⁾;

“relevant person” has the meaning assigned by regulation 6;

“remunerative work” has the meaning assigned by regulation 8;

“a 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” means a person who is gainfully employed in Northern Ireland or the Republic of Ireland otherwise than in employed earner’s employment (whether or not he is also employed in such employment);

“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 under section 134 of the 1992 Act;

“sports award” means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993⁽²⁵⁾ out of sums allocated to it for distribution under that section;

“state pension credit” has the same meaning as in the State Pension Credit Act (Northern Ireland) 2002⁽²⁶⁾;

“statutory maternity pay” means a statutory maternity pay under Part XII of the 1992 Act;

“statutory sick pay” means statutory sick pay under Part XI of the 1992 Act;

“student” has the meaning assigned by regulation 42;

⁽²⁰⁾ 1993 c. 49

⁽²¹⁾ 1988 c. 1

⁽²²⁾ Head (v) was inserted by [S.R. 2001 No. 151](#)

⁽²³⁾ The definition of the “Preparation for Employment Programme for 50 plus” was inserted by [S.R. 2001 No. 151](#)

⁽²⁴⁾ [S.I. 1977/2157 \(N.I. 28\)](#); as amended by Article 3(2) of the Rates (Amendment) (Northern Ireland) Order 1983 ([S.I. 1983/421 \(N.I. 7\)](#))

⁽²⁵⁾ 1993 c. 39

⁽²⁶⁾ See section 1(1) of the State Pension Credit Act (Northern Ireland) 2002

“the 1992 Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽²⁷⁾;

“training allowance” means an allowance (whether by way of periodical grants or otherwise) payable –

- (a) out of public funds by a government department or by or on behalf of the Department for Employment and Learning;
- (b) to a person for his maintenance or in respect of a member of his family, and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, a government department or approved by such department in relation to him or so provided or approved by or on behalf of the Department for Employment and Learning,

but it does not include an allowance paid by any government department to, or in respect of, a person by reason of the fact that he is following a course of full-time education, other than under arrangements provided under section 1(1) of the Employment and Training Act (Northern Ireland) 1950⁽²⁸⁾ or is training as a teacher;

“unmarried couple” means, except in regulation 11(2)(b), paragraph 12(b) of Schedule 2, paragraph 4(b) of Schedule 3 and paragraph 6(b) of Schedule 4, two persons who are living together as if they were husband and wife;

“voluntary organisation” means any association carrying on any activities otherwise than for the purpose of gain by the association or by individual members;

“war disablement pension” has the meaning assigned by section 146(2) of the 1992 Act;

“war widow’s pension” has the meaning assigned by section 146(2) of the 1992 Act;

“war widower’s pension” means any widower’s pension or allowance granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917⁽²⁹⁾, the Personal Injuries (Emergency Provisions) Act 1939⁽³⁰⁾, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939⁽³¹⁾, the Polish Resettlement Act 1947⁽³²⁾ or Part 7 or section 151 of the Reserve Forces Act 1980⁽³³⁾;

“working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002.

“year of assessment” has the meaning assigned by section 832(1) of the Income and Corporation Taxes Act 1988;

“young person” means a person, not being a person who is in receipt of income support or income-based jobseeker’s allowance or a person who is receiving advanced education within the meaning of regulation 12(2) of the Income Support (General) Regulations (Northern Ireland) 1987⁽³⁴⁾ (relevant education), aged 16 or over but under 19 who is treated as a child for the purposes of section 138 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.

(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 –

(27) 1992 c. 7

(28) 1950 c. 29 (N.I.); section 1(1) was substituted by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

(29) 1917 c. 51

(30) 1939 c. 82

(31) 1939 c. 83

(32) 1947 c. 19

(33) 1980 c. 9

(34) S.R. 1987 No. 459; relevant amending regulations are S.R. 1990 No. 131, S.R. 1992 No. 403 and S.R. 1993 No. 373

- (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 Article 21 of the Jobseekers (Northern Ireland) Order 1995⁽³⁵⁾ (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 Order and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him but for Article 21 of that Order.

Persons from abroad

3. No grant shall be payable under Part III of the Order if the applicant, or any of the applicants, or any person who is not an applicant but is entitled to make an application and lives or intends to live in the dwelling or, as the case may be, a flat in the building, is a person from abroad within the meaning of regulation 7A of the Housing Benefit (General) Regulations (Northern Ireland) 1987⁽³⁶⁾ (persons from abroad).

Landlord's applications: power for Executive to obtain information from pension fund holders

4. In the case of any application to which Article 62 of the Order (determination of amount of grant in case of landlord's application) applies, the Executive may require a pension fund holder to provide it with the information specified in paragraph (8) of regulation 32 (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.

Requirement to produce national insurance number

5. Where an application for a grant to which Article 61 (means testing in case of application by owner-occupier or tenant) or 62 of the Order applies has been made, the Executive shall require any person, who is a relevant person in respect of that application within the meaning of regulation 6 below, to provide:

- (a) a statement of the relevant person's national insurance number and information or evidence establishing that that number has been allocated to that person; or
- (b) information or evidence enabling the national insurance number which has been allocated to that person to be ascertained; or
- (c) information or evidence that the relevant person has applied for a national insurance number to be allocated to him and has included with that application sufficient information or evidence to enable the number to be allocated.

Definition of relevant person

6.—(1) Subject to paragraph (3), in respect of any one application other than an application for a disabled facilities grant, a relevant person is any person who –

- (a) is an applicant, or
- (b) is not an applicant but is entitled to make the application and lives or intends to live in the dwelling or, as the case may be, a flat in the building,

⁽³⁵⁾ S.I. 1995/2705 (N.I. 15); relevant amending order is S.I. 1998/1506 (N.I. 10)

⁽³⁶⁾ S.R. 1987 No. 461; regulation 7A was inserted by S.R. 1994 No. 80 and amended by S.R. 1994 No. 266, S.R. 1996 No. 11, S.R. 1996 No. 334 and S.R. 1996 No. 448

provided that a young person shall not be a relevant person except where he is the only applicant.

(2) Subject to paragraph (3), in respect of any one application for a disabled facilities grant a relevant person is any person who –

- (a) is the disabled occupant, or one of the disabled occupants, of the dwelling or the flat in the building and is not a child or young person; or
- (b) is the partner, or a partner, of the disabled occupant or of one of the disabled occupants and is not a child or young person; and

is not the parent or guardian of a disabled child who lives or intends to live in the dwelling or, as the case may be, a flat in the building.

(3) Where any of sub-paragraphs (a) or (b) of paragraph (1), or any of sub-paragraphs (a) or (b) of paragraph (2) applies to both members of a couple or to more than one member of a polygamous marriage, one member only of that couple or of that polygamous marriage shall be a relevant person in respect of that application.

Definition of non-dependant

7.—(1) In these Regulations, “non-dependant” means any person, except someone to whom paragraph (2) applies, who normally resides with a relevant person or with whom a relevant person normally resides.

(2) This paragraph applies to –

- (a) any members of the relevant person’s family;
- (b) if the relevant person is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
- (c) a child or young person who is living with the relevant person but who is not a member of his household by virtue of regulation 10 (membership of the same household);
- (d) subject to paragraph (3), a person who jointly occupies the relevant person’s dwelling and is either a co-owner of that dwelling with the relevant person or his partner (whether or not there are other co-owners) or is liable with the relevant person or his partner to make payments in respect of his occupation of the dwelling;
- (e) subject to paragraph (3) –
 - (i) any person who is liable to make payments on a commercial basis to the relevant person or the relevant person’s partner in respect of the occupation of the dwelling;
 - (ii) any person to whom or to whose partner the relevant person or the relevant person’s partner is liable to make payments on a commercial basis in respect of the occupation of the dwelling; or
 - (iii) any other member of the household of the person to whom or to whose partner the relevant person or the relevant person’s partner is liable to make payments on a commercial basis in respect of the occupation of the dwelling.
- (f) a person who lives with the relevant person in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation (other than a Health and Social Services Board) which makes a charge to the relevant person or his partner for the services provided by that person.

(3) Excepting persons to whom paragraph 2(a) to (c) and (f) refers, a person shall be a non-dependant if he resides with a relevant person to whom he is liable to make payments in respect of the dwelling and either –

- (a) the relevant person is a close relative of him or his partner, or

- (b) the tenancy or other agreement between them is other than on a commercial basis.
- (4) For the purposes of this regulation –
 - (a) a person resides with another only if they share any accommodation but not if that accommodation is a bathroom, a lavatory or a communal area or any combination of them and not if each person is separately liable to make payments in respect of his occupation of the dwelling to the landlord;
 - (b) “communal area” means an area, other than a room or rooms, of common access (including halls and passageways).

Remunerative work

8.—(1) Subject to the following provisions of this regulation, a person shall be treated for the purposes of these Regulations as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

(2) Subject to paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over –

- (a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does not work, those periods but disregarding any other absences);
- (b) in any other case, the period of 5 weeks immediately prior to the date of the application, or such other length of time as may, in the particular case, enable the person’s weekly average hours of work to be determined more accurately.

(3) Where, for the purposes of paragraph (2)(a), a person’s recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.

(4) Where no recognisable cycle has been established in respect of a person’s work, regard shall be had to the number of hours or, where those hours fluctuate, the average of the hours, which he is expected to work in a week.

(5) A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.

(6) A person in receipt of income support, state pension credit or an income-based jobseeker’s allowance for more than 3 days in any period of 7 consecutive days commencing upon a Monday and ending on a Sunday shall be treated as not being in remunerative work in that week.

(7) A person shall not be treated as engaged in remunerative work in any week in which he is participating in the Preparation for Employment Programme.

(8) A person shall not be treated as engaged in remunerative work on any day on which that person is on parental leave or is absent from work because he is ill.

(9) A person shall not be treated as engaged in remunerative work on any day on which that person is engaged in an activity in respect of which –

- (a) a sports award has been made, or is to be made, to him; and
- (b) no other payment is made or is expected to be made to him.

Circumstances in which a person is to be treated as responsible or not responsible for another

9.—(1) Subject to the following provisions of this regulation a person shall be treated as responsible for a child or young person who is normally living with him.

(2) Where there is a question as to which person a child or young person is normally living with, the child or young person shall be treated for the purposes of paragraph (1) as normally living with –

- (a) the person who is receiving child benefit in respect of him or, if no-one is in that position, with whom he has been placed under Article 27(2) of the Children (Northern Ireland) Order 1995⁽³⁷⁾; or
- (b) if there is no such person –
 - (i) where only one claim for child benefit has been made in respect of him, the person who made that claim, or
 - (ii) in any other case the person who has the primary responsibility for him.

(3) For the purposes of these Regulations any person other than the one treated as responsible for the child or young person under this regulation shall be treated as not so responsible.

Circumstances in which a person is to be treated as being or not being a member of the household

10.—(1) Subject to paragraphs (2) to (5), a relevant person and any partner and, where the relevant person or his partner is treated as responsible by virtue of regulation 9 (circumstances in which a person is to be treated as responsible or not responsible for another) for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily living away from the other members of his family.

(2) Paragraph (1) shall not apply to a person who is living away from the other members of his family where –

- (a) that person does not intend to resume living with the other members of his family; or
- (b) his absence from the other members of his family is likely to exceed 52 weeks, unless there are exceptional circumstances (for example where the person is in hospital or otherwise has no control over the length of his absence) and the absence is unlikely to be substantially more than 52 weeks.

(3) Subject to paragraph (4), a child or young person shall not be treated as a member of the relevant person's household where he is –

- (a) placed with the relevant person or his partner under a relevant enactment; or
- (b) placed with the relevant person or his partner prior to adoption; or
- (c) placed for adoption with the relevant person or his partner pursuant to a decision under the Adoption Agencies Regulations (Northern Ireland) 1989⁽³⁸⁾.

(4) Paragraph (3) shall not apply in any case where a child or young person –

- (a) has been placed with the relevant person or his partner by a Health and Social Services Board under Article 27(2)(a) of the Children (Northern Ireland) Order 1995, and
- (b) in accordance with regulation 9(2)(a) is to be treated for the purposes of paragraph (1) of that regulation as normally living with the relevant person or his partner.

⁽³⁷⁾ S.I. 1995/755 (N.I. 2)

⁽³⁸⁾ S.R. 1989 No. 253; to which there are amendments not relevant to these Regulations

(5) Subject to paragraph (6), paragraph (1) shall not apply to a child or young person who is not living with the relevant person and he –

- (a) is in the care of the Department of Health, Social Services and Public Safety under a relevant enactment; or
- (b) has been placed with a person other than the relevant person prior to adoption; or
- (c) has been placed for adoption pursuant to a decision under the Adoption Agencies Regulations (Northern Ireland) 1989.

(6) A child or young person to whom paragraph (5)(a) applies shall be treated as being a member of the relevant person's household in any period of 7 consecutive days commencing upon a Monday and ending on a Sunday where –

- (a) that child or young person lives with the relevant person for part or all of that period, and
- (b) it is reasonable to do so taking into account the nature and frequency of that child's or young person's visits.

(7) In this regulation "relevant enactment" means the Army Act 1955⁽³⁹⁾, the Air Force Act 1955⁽⁴⁰⁾, the Naval Discipline Act 1957⁽⁴¹⁾ and the Children (Northern Ireland) Order 1995⁽⁴²⁾.

The applicable amount

11.—(1) The applicable amount in respect of any one application shall be the aggregate of –

- (a) the total of the weekly applicable amounts of all those persons who are relevant persons in the case of that application, and
- (b) £53·79.

(2) For the purposes of paragraph (1), the weekly applicable amount –

- (a) as regards a relevant person who is in receipt (and entitled to be in receipt) of income support or an income-based jobseeker's allowance, is £1;
- (b) as regards –
 - (i) a relevant person who is in receipt of guarantee credit; and
 - (ii) those relevant persons who are members of a married or unmarried couple (within the meaning of the State Pension Credit Act 2002), the other member of which is in receipt of guarantee credit,is £1;
- (c) as regards any other relevant person, is the amount determined in his case in accordance with regulation 15.

Financial resources

12. In respect of any one application, the amount which is to be taken to be the financial resources of the applicant or applicants shall be the total of the incomes of all those persons who are relevant persons in the case of that application, and the income of each relevant person shall be determined in accordance with regulation 19.

⁽³⁹⁾ 1955 c. 18; the relevant amending instrument is S.I. 1995/755 (N.I. 2)

⁽⁴⁰⁾ 1955 c. 19; the relevant amending instrument is S.I. 1995/755 (N.I. 2)

⁽⁴¹⁾ 1957 c. 53; the relevant amending instrument is S.I. 1995/755 (N.I. 2)

⁽⁴²⁾ S.I. 1995/755 (N.I. 2); to which there are amendments not relevant to these Regulations