
STATUTORY INSTRUMENTS

1996 No. 1331

HOUSING, ENGLAND AND WALES

The Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations 1996

<i>Made</i>	- - - -	<i>15th May 1996</i>
<i>Laid before Parliament</i>		<i>22nd May 1996</i>
<i>Coming into force</i>	- -	<i>17th June 1996</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by sections 109, 137(2) and 190(1) of the Local Government and Housing Act 1989(1) 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 Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations 1996 and shall come into force on 17th June 1996.

Amendments

2. The Housing Renovation etc. Grants (Reduction of Grant) Regulations 1994(2) are amended in accordance with the following regulations.

Amendment of regulation 2

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

(a) insert in the appropriate places—

““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;” and

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

(1) 1989 c. 42.
(2) S.I.1994/648, amended by S.I. 1995/838.

- (b) in the definition of “personal pension scheme”, for “section 191 of the Social Security Administration Act 1992”, substitute “section 1 of the Pension Schemes Act 1993”(3).

Amendment of regulation 5

4. In regulation 5 (remunerative work),—

- (a) in paragraph (2), at the beginning insert “Subject to paragraph (2A),”; and
 (b) after paragraph (2), insert—

“(2A) 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.”.

Amendment of regulation 10

5. In regulation 10(4) (reduction in amount of grant)—

- (a) in sub-paragraph (1)(a), for “17.23” substitute “17.93”;
 (b) in sub-paragraph (1)(b), for “34.46” substitute “35.86”;
 (c) in sub-paragraph (1)(c), for “137.84” substitute “143.43”;
 (d) in sub-paragraph (1)(d), for “344.61” substitute “358.56”;
 (e) in sub-paragraph (2)(a), for “10.34” substitute “10.59”;
 (f) in sub-paragraph (2)(b), for “20.69” substitute “21.18”;
 (g) in sub-paragraph (2)(c), for “82.76” substitute “84.73”; and
 (h) in sub-paragraph (2)(d), for “206.89” substitute “211.83”.

Amendment of regulation 16A

6. In regulation 16A(4)(5) (treatment of child care charges), in the definition of “relevant child care charges”,—

- (a) after the word “education”, insert “or charges paid by a relevant person to a partner or by a partner to a relevant person in respect of any child for whom either or any of them is responsible in accordance with regulation 6 (circumstances in which a person is to be treated as responsible or not responsible for another)”;
 (b) at the end of sub-paragraph (b), omit “or”; and
 (c) at the end of sub-paragraph (c) add—
 “; or
 (d) in schools or establishments which are exempted 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.”.

(3) 1993 c. 48.

(4) Regulation 10 was amended by S.I. 1995/838.

(5) Regulation 16A was inserted by S.I. 1995/838.

Amendment of regulation 24

7. In regulation 24(6) (determination of net profit of self-employed earners),—
- (a) for paragraph (8)(b)(i), substitute—
 - “(i) the excess of any value added tax paid by the relevant person in respect of taxable supplies made to him, over any such tax received by him in respect of taxable supplies made by him, calculated with reference to the assessment period;”;
 - (b) from paragraph 11, omit the definition of “retirement annuity contract”.

Amendment of regulation 28

8. In regulation 28(7) (notional income),—
- (a) in paragraph (2), for the words “Except in the case” to “personal injury,”, substitute—
 - “Except in the case of—
 - (a) a discretionary trust;
 - (b) a trust derived from a payment made in consequence of a personal injury; or
 - (b) a personal pension scheme or retirement annuity contract where the relevant person is aged under 60;”;
 - (b) after paragraph (2), insert—
 - “(2A) Where a person, aged not less than 60, is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, or is a party to, or a person deriving entitlement to a pension under, a retirement annuity contract, and—
 - (a) in the case of a personal pension scheme, he fails to purchase an annuity with the funds available in that scheme where —
 - (i) he defers, in whole or in part, the payment of any income which would have been payable to him by his pension fund holder;
 - (ii) he fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid; or
 - (iii) income withdrawal is not available to him under that scheme; or
 - (b) in the case of a retirement annuity contract, he fails to purchase an annuity with the funds available under that contract,

the amount of any income foregone shall be treated as possessed by him, but only from the date on which it could be expected to be acquired were an application for it to be made.

 - (2B) The amount of any income foregone in a case to which either paragraph (2A)(a)(i) or (ii) applies shall be the maximum amount of income which may be withdrawn from the fund.
 - (2C) The amount of any income foregone in a case to which either paragraph (2A)(a)(iii) or sub-paragraph (2A)(b) applies shall be the income that the relevant person could have received without purchasing an annuity had the funds held under the relevant personal pension scheme or retirement annuity contract been held under a personal pension scheme where income withdrawal was available.”;
 - (c) in paragraph (4),—
 - (i) for “voluntary body”, substitute “voluntary organisation”; and

(6) Regulation 24(7) was amended by S.I. 1995/838.

(7) Regulation 28(4) and (7) (a) were amended by S.I. 1995/838.

(ii) after “reasonable for him”, insert “in any of those cases”.

Amendment of regulation 32

9. In regulation 32(5) (income treated as capital: advance of earnings or loan by employer), insert at the end “except insofar as the advance or loan is spent; and thereupon the advance or loan, so far as it is spent, shall not be treated as income”.

Amendment of regulation 35

10. In regulation 35(2) (notional capital), after sub-paragraph (c), insert
“; or
(d) a personal pension scheme or retirement annuity contract,”.

Amendment of regulation 36

11. In regulation 36 (capital jointly held), for the words “to the whole beneficial interest” to the end, substitute—

“to an equal share of the whole beneficial interest therein; and the value of that equal share shall be calculated by taking the value of the whole beneficial interest calculated in accordance with the foregoing provisions of this Chapter, as though—

- (a) that interest is solely owned by the relevant person; and
- (b) in the case of a dwelling, none of the other joint owners occupies the dwelling concerned,

and dividing the same by the number of persons who have a beneficial interest in the capital in question.”.

Amendment of regulation 38

12. In regulation 38 (interpretation),—

- (a) in the definition of “contribution”, after the second occurrence of “contribution”, insert “(including one which is not paid)”; and
- (b) from the definition of “student”, omit “throughout any period of term or vacation within it”.

Amendment of regulation 40

13. In regulation 40(2)(8) (determination of grant income: payments to meet the costs of books and equipment which is not special equipment),—

- (a) delete sub-paragraph (b); and
- (b) in sub-paragraph (g)—
 - (i) delete “(other than special equipment referred to in sub-paragraph (b))”; and
 - (ii) for “£276”, substitute “£278”.

Amendment of Schedule 1

14. In Schedule 1 (applicable amounts),—

(8) Regulation 40(2)(g) was amended by S.I. 1995/838.

(a) for paragraph 1(9) substitute—

“(1) The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes of regulations 12(a) and 13(a) and (b) —

(1) <i>Person or couple</i>	(2) <i>Amount</i>
(1) Single person aged—	(1)
(a) less than 25	(a) £37.90;
(b) not less than 25	(b) £47.90.
(2) Lone parent aged—	(2)
(a) less than 18	(a) £37.90;
(b) not less than 18	(b) £47.90.
(3) Couple—	(3)
(a) where both members are aged less than 18	(a) £57.20;
(b) where at least one member is aged not less than 18	(b) £75.20.”;

(b) for paragraph 2(10) substitute—

“2. The amounts specified in column (2) below in respect of each person specified in column (1) shall be the amounts specified for the purposes of regulations 12(b) and 13(c)—

(1) <i>Child or Young Person</i>	(2) <i>Amount</i>
Person aged—	
(a) less than 11	(a) £16.45;
(b) not less than 11 but less than 16	(b) £24.10;
(c) not less than 16 but less than 18	(c) £28.85;
(d) not less than 18	(d) £37.90.”;

(c) in paragraph 3(11), for “£10.25” substitute “£10.55”;

(d) in paragraph 12(1)(a)(iii)(12), after “the 1992 Act”, insert “or otherwise abated as a consequence of the relevant person or his partner being a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(2) of the Social Security (Hospital In-Patients) Regulations 1975”;(13)

(e) in paragraph 12(1)(b)(i)(14), for “is incapable of work”; substitute “is, or is treated as, incapable of work”; and

(9) Paragraph 1 of Schedule 1 was substituted by S.I. 1995/838.

(10) Paragraph 2 was substituted by S.I. 1995/838.

(11) Paragraph 3 of Schedule 1 was amended by S.I. 1995/838.

(12) Paragraph 12(1)(a) of Schedule 1 was amended by S.I. 1995/838.

(13) S.I. 1975/555.

(14) Paragraph 12(1)(b) of Schedule 1 was substituted by S.I. 1995/838.

(f) for Part IV(15) substitute—

“PART IV
AMOUNTS OF PREMIUMS SPECIFIED IN PART III

<i>Premium</i>	<i>Amount</i>
18.— (1) Lone parent premium	(1) £11.50.
(2) Pensioner premium for persons aged under 75—	(2)
(a) where the relevant person satisfies the condition in paragraph 8(a)	(a) £19.15;
(b) where the relevant person satisfies the condition in paragraph 8(b)	(b) £28.90.
(3) Pensioner premium for persons aged 75 and over—	(3)
(a) where the relevant person satisfies the condition in paragraph 9(a)	(a) £21.30;
(b) where the relevant person satisfies the condition in paragraph 9(b)	(b) £31.90.
(4) Higher pensioner premium—	(4)
(a) where the relevant person satisfies the condition in paragraph 10(1)(a) or (b)	(a) £25.90;
(b) where the relevant person satisfies the condition in paragraph 10(2)(a) or (b)	(b) £37.05.
(5) Disability premium—	(5)
(a) where the relevant person satisfies the condition in paragraph 11(a)	(a) £20.40;
(b) where the relevant person satisfies the condition in paragraph 11(b)	(b) £29.15.
(6) Severe disability premium—	(6)
(a) where the relevant person satisfies the condition in paragraph 13(2)(a)	(a) £36.40;
(b) where the relevant person satisfies the condition in paragraph 13(2)(b)—	(b)
(i) in a case where there is someone in receipt of an invalid care allowance	(i) £36.40;
(ii) in a case where there is no-one in receipt of such an allowance	(ii) £72.80.

<i>Premium</i>	<i>Amount</i>
(7) Disabled child premium	(7) £20.40 for each child or young person for whom the condition specified in paragraph 14 is satisfied.
(8) Carer premium	(8) £13.00 for each person who satisfies the condition specified in paragraph 15.”.

Amendment of Schedule 3

15. In Schedule 3 (sums to be disregarded in the determination of income other than earnings),—

- (a) in paragraph 2(a), for “voluntary body”, substitute “voluntary organisation”;
- (b) omit paragraph 12;
- (c) for paragraph 14(16), substitute—

“14. Subject to paragraph 32, £10 of any of the following, namely —

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 7 or 8);
- (b) a war widow’s pension;
- (c) a pension payable to a person as a widow under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(17) insofar as that Order is made under the Naval and Marine Pay and Pensions Act 186(18) or the Pensions and Yeomanry Pay Act 1884(19), or is made only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(20) and any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a payment made to compensate for the non-payment of such a pension as is mentioned in any of the preceding sub-paragraphs;
- (e) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions mentioned in sub-paragraphs (a) to (c) above;
- (f) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.”;

(d) in paragraph 51,—

- (i) after “1992 Act”, insert “or pension under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983”(21); and
- (ii) after “that Act”, insert “or the rate of that pension under that Order”; and

(e) after paragraph 54(22), add—

(16) Paragraph 14 of Schedule 3 was amended by S.I. 1995/838.

(17) S.I. 1983/883, amended by S.I. 1983/1116, 1521, 1984/1154, 1687, 1985/1201, 1986/592, 1987/165, 1988/248, 2248, 1989/156, 1990/250, 1308, 1991/766, 1992/710, 3208, 1993/598, 1994/772, 1906 and 1995/766.

(18) 28 & 29 Vict. c.73.

(19) 47 and 48 Vict. c.55.

(20) 1977 c. 5.

(21) S.I. 1983/883, amended by S.I. 1983/1116, 1521, 1984/1154, 1687, 1985/1201, 1986/592, 1987/165, 1988/248, 2248, 1989/156, 1990/250, 1308, 1991/766, 1992/710, 3208, 1993/598, 1994/772, 1906 and 1995/766.

(22) Paragraphs 52 to 54 were added to Schedule 3 by S.I. 1995/838.

“55. Where the relevant person is entitled to the allowance under regulation 51(1)(bb) of the Disability Working Allowance (General) Regulations 1991(23) (which applies in respect of a person who works for not less than 30 hours a week), any amount of disability working allowance up to the amount specified in Column (2) against paragraph 2A(24) of Schedule 5 to those Regulations.

56. Where the relevant person is entitled to the credit under regulation 46(1)(aa) of the Family Credit (General) Regulations 1987(25) (which applies in respect of a person who works for not less than 30 hours a week), any amount of family credit up to the amount specified in Column (2) against paragraph 1A(26) of Schedule 4 to those Regulations.”.

Amendment of Schedule 4

16. In Schedule 4 (capital to be disregarded),—

(a) for paragraph 7 substitute—

“7. Any future interest in property of any kind, other than land or premises in respect of which the claimant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.”;

(b) after paragraph 29 insert—

“29A. The value of any funds held under a personal pension scheme or retirement annuity contract.”; and

(c) in paragraph 30, at the end add “except where the relevant person has a reversionary interest in the property in respect of which rent is due.”.

Application

17. These Regulations shall not have effect in relation to applications for grant made before these Regulations come into force.

Signed by authority of the Secretary of State

Department of the Environment
9th May 1996

David Curry
Minister of State,

10th May 1996

William Hague
Secretary of State for Wales

(23) S.I. 1991/2887; sub-paragraph (bb) was inserted in regulation 51(1) by S.I. 1995/1339.

(24) Paragraph 2A was inserted in Schedule 5 by S.I. 1995/1339.

(25) S.I. 1987/1973; sub-paragraph (aa) was inserted in regulation 46(1) by S.I. 1995/1339.

(26) Paragraph 1A was inserted in Schedule 4 by S.I. 1995/1339.

We consent,

15th May 1996

Liam Fox
Bowen Wells
Two of the Lords Commissioners of Her
Majesty's Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Renovation etc. Grants (Reduction of Grant) Regulations 1994 (“the principal Regulations”), which provide for the amount of renovation grant and disabled facilities grant which may be paid by local housing authorities in respect of applications by owner-occupiers and tenants under Part VIII of the Local Government and Housing Act 1989. The amendments reflect recent changes to housing benefit rules and make minor and drafting amendments.

Regulations 3 to 16 contain the amendments. In particular:

regulation 5 changes the multipliers in regulation 10 of the principal Regulations (reduction in amount of grant);

regulation 6 amends the definition of “relevant child care charges” in regulation 16A of the principal Regulations (treatment of child care charges) to exclude payments between partners for child care undertaken by one of the partners, and to include charges for child care by schools etc exempted from registration under section 71 of the Children Act 1989;

regulation 8 introduces into regulation 28 of the principal Regulations (notional income) new rules, for persons aged 60 and over, to treat deferred entitlements under personal pension schemes and retirement annuity contracts as income;

regulation 14(a) to (c) and (f) amend Schedule 1 to the principal Regulations (applicable amounts) by uprating the applicable amounts and premiums;

regulation 15(d) substitutes new paragraph 14 in Schedule 3 to the principal Regulations (sums to be disregarded in the determination of income other than earnings) to introduce wider disregards for war disablement and widow’s pensions etc (including in some cases where the pension etc is paid by a country other than Great Britain);

regulation 16 amends Schedule 4 to the principal Regulations (capital to be disregarded) by—

- substituting new paragraph 7 and by amending paragraph 30, to clarify that the capital value of land subject to an existing lease or sub-lease and the right to receive rent under a such a lease etc are to be taken into account as capital, and
- by adding new paragraph 29A to disregard the value of any funds held under a personal pension scheme or retirement annuity contract.

Regulation 17 stops the Regulations applying to applications for grant made before they come into force.