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STATUTORY INSTRUMENTS

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**1998 No. 808**

**HOUSING, ENGLAND AND WALES**

**The Housing Renewal Grants (Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>18th March 1998</i>
<i>Laid before Parliament</i>		<i>23rd March 1998</i>
<i>Coming into force</i>		
<i>other than for the purposes of regulations 8 and 9</i>		<i>13th April 1998</i>
<i>for the purposes of regulations 8 and 9</i>		<i>1st June 1998</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 on them by sections 30 and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996<sup>(1)</sup> 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 1998 and shall come into force—

- (a) other than for the purposes of regulations 8 and 9, on 13th April 1998; and
- (b) for the purposes of regulations 8 and 9, on 1st June 1998.

**Amendments**

2. The Housing Renewal Grants Regulations 1996<sup>(2)</sup> are amended in accordance with regulations 3 to 20.

**Regulation 2**

3. In regulation 2 (interpretation)—

- (a) after the definition of “invalid carriage or other vehicle”, insert—

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(1) 1996 c. 53.

(2) S.I.1996/2890; amended by S.I. 1996/3119 and S.I. 1997/977.

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(3);”;

- (b) in the definition of “the McFarlane Trusts”, for “McFarlane” substitute “MacFarlane”; and
- (c) in the definition of “young person”, after “income support” insert “or income-based job seeker’s allowance”.

#### **Regulation 7**

- 4. In regulation 7(6) (remunerative work), for “receptit” substitute “receipt”.

#### **Regulation 10**

- 5. In regulation 10(2)(4) (the applicable amount) in sub-paragraph (a) after “in receipt” insert “(and entitled to be in receipt)”.

#### **Regulation 12**

- 6. In regulation 12 (reduction in amount of grant)(5)—
  - (a) in paragraph (1)(a), for “18.17” substitute “17.39”;
  - (b) in paragraph (1)(b), for “36.33” substitute “34.78”;
  - (c) in paragraph (1)(c), for “145.32” substitute “139.13”;
  - (d) in paragraph (1)(d), for “363.30” substitute “347.82”;
  - (e) in paragraph (2)(a), for “10.67” substitute “10.40”;
  - (f) in paragraph (2)(b), for “21.34” substitute “20.80”;
  - (g) in paragraph (2)(c), for “85.35” substitute “83.22”; and
  - (h) in paragraph (2)(d), for “213.38” substitute “208.04”.

#### **Regulation 13**

- 7. In regulation 13(2)(a) (successive applications), for “grants” substitute “Grants”.

#### **Regulation 18**

- 8.—(1) In regulation 18(1) (determination of income on a weekly basis), for “£60 per week”, substitute—

“whichever of the sums specified in paragraph (1A) applies in his case.”.

- (2) After regulation 18(1) insert—

“(1A) The maximum deduction for the purposes of paragraph (1) is—

- (a) where the relevant person’s family includes only one child in respect of whom relevant child care charges are paid, £60 per week; and
- (b) where the relevant person’s family includes more than one child in respect of whom relevant child care charges are paid, £100 per week.”.

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(3) S.I. 1996/207; relevant amending instrument S.I. 1997/2863.

(4) Regulation 10(2) was amended by S.I. 1996/3119.

(5) Regulation 12 was amended by S.I. 1997/977.

### **Regulation 19**

9. In regulation 19(4) (treatment of child care charges)(6), in the definition of “relevant child care charges”—

- (a) for the words from “who either is” to “his eleventh birthday” substitute “in respect of the period beginning on that child’s date of birth and ending on the day preceding the first Monday in September (in any year) following that child’s twelfth birthday”; and
- (b) for the words from “who are aged 8” to “their eleventh birthday” substitute “in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September (in any year) following their twelfth birthday”.

### **Regulation 26**

10. In regulation 26(a) (earnings of self-employed earners), for “assissting” substitute “assisting”.

### **Regulation 27**

11. In regulation 27(8)(b)(ii) (determination of net-profit of self-employed earners), for “busines” substitute “business”.

### **Regulation 29**

12. In regulation 29(1) (determination of income other than earnings), for “(annuity treated as income)”, substitute “(capital treated as income)”.

### **Regulation 30**

13. For regulation 30 (annuity treated as income), substitute—

#### **“Capital treated as income**

30. The following shall be treated as income—

- (a) any payment received under an annuity; and
- (b) any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973(7).”.

### **Regulation 31**

14.—(1) In regulation 31(2) (notional income), omit “or” at the end of sub-paragraph (b) and insert at the end of sub-paragraph (c)—

“; or

(d) any sum to which paragraph 46 or 47 of Schedule 4 refers.”

(2) In regulation 31(9) for “other than” to “the Fund” substitute “other than any of the payments referred to in paragraph (9A)”.

(3) After regulation 31(9) insert—

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

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(6) Regulation 19(4) was amended by S.I. 1997/977.

(7) 1973 c. 50; section 2 was amended by section 25 of the Employment Act 1988 (c. 19).

- (a) made under any of the MacFarlane Trusts, the Independent Living Funds or the Fund,
- (b) made pursuant to section 19(1)(a) of the Coal Industry Act 1994<sup>(8)</sup> (concessionary coal), or
- (c) made pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation in an employment programme specified in regulation 75(1)(a)(ii)<sup>(9)</sup> of the Jobseeker's Allowance Regulations or in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations.”.

(4) In regulation 31(10), at the end add “or to a service performed in connection with the relevant person's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations”.

### Regulation 38

**15.**—(1) In regulation 38(2) (notional capital), omit “or” at the end of sub-paragraphs (a), (b) and (c) and at the end of sub-paragraph (d), insert—

“; or

(e) any sum to which paragraph 46 or 47 of Schedule 4 refers.”

(2) In regulation 38(3), after “the Fund” insert “or pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations or in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations”.

### Regulation 43

**16.** In regulation 43(2)(f) (determination of grant income), for “£280”, substitute “£287”.

### Schedule 1

**17.**—(1) In paragraph 1 of Part 1 of Schedule 1<sup>(10)</sup> (applicable amounts: personal allowances), in the column headed “(2) Amount”—

- (a) in sub-paragraph (1)(a), for “£38.90” substitute “£39.85”;
- (b) in sub-paragraph (1)(b), for “£49.15” substitute “£50.35”;
- (c) in sub-paragraph (2)(a), for “£38.90” substitute “£39.85”;
- (d) in sub-paragraph (2)(b), for “£49.15” substitute “£50.35”;
- (e) in sub-paragraph (3)(a), for “£58.70” substitute “£60.10”; and
- (f) in sub-paragraph (3)(b), for “£77.15” substitute “£79.00”.

(2) In paragraph 2 of Part I of Schedule 1<sup>(11)</sup> (applicable amounts: personal allowances), in the column headed “(2) Amount”—

- (a) in sub-paragraph (a) for “£16.90” substitute “£17.30”;
- (b) in sub-paragraph (b) for “£24.75” substitute “£25.35”; and
- (c) in sub-paragraph (c) for “£29.60” substitute “£30.30”.

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<sup>(8)</sup> 1994 c. 21.

<sup>(9)</sup> Regulation 75 was substituted by S.I. 1997/2863.

<sup>(10)</sup> Paragraph 1 was amended by S.I. 1997/977.

<sup>(11)</sup> Paragraph 2 was amended by S.I. 1997/977.

(3) For paragraph 3 of Part II of Schedule 1(**12**) (applicable amounts: family premiums), substitute—

“**3.** The amount for the purposes of regulations 14(c) and 15(d) in respect of a family of which at least one member is a child or young person shall be £11.05.”.

(4) In paragraph 18 of Part IV of Schedule 1(**13**) (applicable amounts: amounts of premiums specified in Part III), in the column headed “*Amount*”—

- (a) in sub-paragraph (1)(a), for “£19.65” substitute “£20.10”;
- (b) in sub-paragraph (1)(b), for “£29.65” substitute “£30.35”;
- (c) in sub-paragraph (2)(a), for “£21.85” substitute “£22.35”;
- (d) in sub-paragraph (2)(b), for “£32.75” substitute “£33.55”;
- (e) in sub-paragraph (3)(a), for “£26.55” substitute “£27.20”;
- (f) in sub-paragraph (3)(b), for “£38.00” substitute “£38.90”;
- (g) in sub-paragraph (4)(a), for “£20.95” substitute “£21.45”;
- (h) in sub-paragraph (4)(b), for “£29.90” substitute “£30.60”;
- (i) in sub-paragraph (5)(a), for “£37.15” substitute “£38.50”;
- (j) in sub-paragraph (5)(b)(i), for “£37.15” substitute “£38.50”;
- (k) in sub-paragraph (5)(b)(ii), for “£74.30” substitute “£77.00”;
- (l) in sub-paragraph (6), for “£20.95” substitute “£21.45”; and
- (m) in sub-paragraph (7), for “£13.35” substitute “£13.65”.

## Schedule 2

**18.** For paragraph 4 of Schedule 2 (sums to be disregarded in the determination of earnings(**14**), substitute—

“**4.** In the case where the relevant person is a lone parent, £25.”.

## Schedule 3

**19.**—(1) In paragraph 10 of Schedule 3 (sums to be disregarded in the determination of income other than earnings), at the end, add “or section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992(**15**) (provision of financial assistance to students)”.

(2) In paragraph 11 of Schedule 3—

(a) after sub-paragraph (c) insert—

“(d) any child care expenses reimbursed to the relevant person in respect of his participation in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations or in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;” and

(b) for “under sub-paragraph (a), (b) or (c)” substitute “under any of sub-paragraphs (a) to (d)”.

(3) At the end of Schedule 3, add—

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(12) Paragraph 3 was amended by S.I. [1997/977](#).

(13) Paragraph 18 was amended by S.I. [1997/977](#).

(14) Paragraph 4 was amended by S.I. [1997/977](#).

(15) [1992 c. 37](#).

“**59.** Any payment made under the Community Care (Direct Payments) Act 1996<sup>(16)</sup> or under section 12B of the Social Work (Scotland) Act 1968<sup>(17)</sup>.”

**60.**—(1) Any Career Development Loan paid to the relevant person pursuant to section 2 of the Employment and Training Act 1973<sup>(18)</sup> except to the extent that the loan has been applied for and paid in respect of living expenses for the period of education and training supported by that loan and those expenses relate to any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the relevant person or, where the relevant person is a member of a family, any other member of his family, or any council tax or water charges for which that relevant person or member is liable.

(3) For the purposes of this paragraph, “ordinary clothing or footwear” and “rent” have the same meaning as in regulation 31(14).

**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 the Voluntary Sector Option of the New Deal as specified in regulation 75(1)(a)(ii)(bb) of the Jobseeker’s Allowance Regulations or in the Environment Task Force Option of the New Deal as specified in regulation 75(1)(a)(ii)(cc) of those Regulations.

**62.** Any discretionary payment to meet, or to help meet, special needs made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in the Full-Time Education and Training Option of the New Deal as specified in regulation 75(1)(b)(ii) of the Jobseeker’s Allowance Regulations.”.

#### Schedule 4

**20.**—(1) In paragraphs 46 and 47 of Schedule 4 (capital to be disregarded), omit “under the age of 18” and, at the end of sub-paragraph (b), add “where the person concerned is under the age of 18”.

(2) At the end of Schedule 4, add—

“**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 the Voluntary Sector Option of the New Deal as specified in regulation 75(1)(a)(ii)(bb) of the Jobseeker’s Allowance Regulations or in the Environment Task Force Option of the New Deal as specified in 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.

**53.** Any discretionary payment to meet, or to help meet, special needs made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in the Full-Time Education and Training Option of the New Deal as specified in regulation 75(1)(b)(ii) of the Jobseeker’s Allowance Regulations but only for a period of 52 weeks from the date of receipt of the payment.”.

#### Application

**21.**—(1) An amendment made by these Regulations shall not have effect in relation to applications for grant made before that amendment came into force.

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<sup>(16)</sup> 1996 c. 30.

<sup>(17)</sup> 1968 c. 49; section 12B was inserted by the Community Care (Direct Payments) Act 1996 (c. 30), section 4.

<sup>(18)</sup> 1973 c. 50; section 2 was amended by section 25 of the Employment Act 1988 (c. 19).

(2) The amendment made by regulation 17(3) to paragraph 3 of Part II of Schedule 1 to the Housing Renewal Grants Regulations 1996 (applicable amounts: family premiums) shall not have effect in a case where—

(a) the relevant person was a lone parent throughout the period starting on 5th April 1998 and ending on the date the application is made; and

(b) no premium is applicable under paragraph 8, 9, 10 or 11 of that Schedule, and, in such a case, for paragraph 3 of that Schedule there shall be substituted—

“3. Where the relevant person is a lone parent and no premium is applicable under paragraphs 8, 9, 10 or 11, £22.05.”.

(3) In paragraph (2), “lone parent” and “relevant person” have the same meaning as in the Housing Renewal Grants Regulations 1996.

Signed by authority of the Secretary of State

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

5th March 1998

Signed by authority of the Secretary of State for Wales

*Win Griffiths*  
Parliamentary Under-Secretary of State, Welsh  
Office

9th March 1998

We consent,

*Graham Allen*  
*Jim Dowd*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

18th March 1998

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend Part II of the Housing Renewal Grants Regulations 1996. Part II of the 1996 Regulations 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 (a test which is also applied to tenant participants in a tenants' application for common parts grant by section 32(5) of that Act). The amendments reflect recent changes in the housing benefit rules, upon which the means test in the 1996 Regulations is based, and make minor and drafting changes.

Regulations 3, 4, 7, 10 and 11 correct typographical errors and omissions.

Regulation 5 amends the definition of the applicable amount for cases where a person is in receipt of income support or an income-based job-seeker's allowance.

Regulations 8 and 9 increase the maximum deduction for relevant child care charges to £100 per week where charges are paid in respect of more than one child and increase from 11 to 12 years the age of a child in respect of whom charges may be deducted.

Regulation 13 provides that a Career Development Loan shall be treated as income for the purposes of determining income other than earnings (and regulation 10 makes an amendment consequential on this).

Regulation 14 provides for the following to be excluded from a person's notional income—

- certain compensation payments made to minors;
- coal compensation payments;
- certain payments made to providers under the New Deal.

Regulation 15 provides for the following to be excluded from a person's notional capital—

- certain compensation payments made to minors;
- certain payments made to providers under the New Deal.

Regulation 16 increases the sum to be disregarded from a student's grant income in respect of the cost of books and equipment.

Regulation 17 uprates the applicable amounts and premiums in Schedule 1 to the 1996 Regulations and removes the higher family premium applicable to a lone parent, subject to transitional provisions.

Regulation 18 provides for the sum of £25 to be disregarded in the calculation of the earnings of a lone parent.

Regulation 19 provides for the following to be disregarded in the calculation of a person's income other than earnings—

- certain payments made under the Further and Higher Education (Scotland) Act 1992, the Community Care (Direct Payments) Act 1996, the Social Work (Scotland) Act 1992 and the Employment and Training Act 1973; and
- certain payments made to New Deal participants.

Regulation 20 provides for certain payments of compensation to be disregarded for the purposes of calculating a person's capital irrespective of whether the person is a minor and for certain payments made to New Deal participants also to be disregarded.



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Regulation 21 contains transitional provisions.