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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 387**

**HOUSING**

**Housing Renovation etc. Grants (Reduction of Grant)  
(Amendment) Regulations (Northern Ireland) 1999**

*Made - - - - 15th September 1999*

*Coming into operation 27th October 1999*

The Department of the Environment, in exercise of the powers conferred on it by Article 47 of the Housing (Northern Ireland) Order 1992(1) and of every other power enabling it in that behalf, with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 27th October 1999.

**Amendments**

2. The Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1997(2) are amended in accordance with regulations 3 to 13.

**Regulation 2**

3. In regulation 2 (interpretation)—

(a) after the definition of “earnings”, 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 Social Security for the benefit of persons eligible for payment in accordance with its provisions;”;

(b) in the definition of “the Fund”, after “Secretary of State” insert “for Social Security”;

(c) in the definition of “the Independent Living Fund”, for “Social Services” substitute “Social Security”;

(d) after the definition of “the Independent Living (1993) Fund”, insert—

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(1) [S.I. 1992/1725 \(N.I. 15\)](#). See Article 2(2) for the definition of “the Department”

(2) [S.R. 1997 No. 456](#) as amended by [S.R. 1998 No. 396](#)

“the Independent Living Funds” means the Independent Living Fund, the Independent Living (Extension) Fund and the Independent Living (1993) Fund;

“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(3) in regulation 2(1) of those Regulations;”;

- (e) in the definition of “the Macfarlane Trust”, for “Social Services” substitute “Social Security”.

### **Regulation 6**

4. In regulation 6 (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 11**

5. In regulation 11 (reduction in amount of grant)—

- (a) in paragraph (a)(i), for “17£39” substitute “18£75”;
- (b) in paragraph (a)(ii), for “34£78” substitute “37£50”;
- (c) in paragraph (a)(iii), for “139£13” substitute “150£02”;
- (d) in paragraph (a)(iv), for “347£82” substitute “375£04”;
- (e) in paragraph (b)(i), for “10£40” substitute “10£87”;
- (f) in paragraph (b)(ii), for “20£80” substitute “21£74”;
- (g) in paragraph (b)(iii), for “83£22” substitute “86£95”,.. and
- (h) in paragraph (b)(iv), for “208£04” substitute “217£37”.

### **Regulation 30**

6. In regulation 30 (notional income)—

- (a) for paragraph (6A) substitute—

“(6A) The payments for the purposes of the exclusion in paragraph (6) 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(4) (concessionary coal);
- (c) made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of a person’s participation—
  - (i) in an employment programme specified under regulation 75(1)(a)(ii)(5) of the Jobseeker’s Allowance Regulations;
  - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

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(3) [S.R. 1998 No. 421](#)

(4) [1994 c. 21](#)

(5) Regulation 75 was substituted by regulation 8 of [S.R. 1997 No. 541](#)

- (iii) in a qualifying course within the meaning specified in regulation 17A(7)(6) 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 (6)(a).”;
- (b) in paragraph (7)—
  - (i) at the beginning, for “Where”, substitute “Subject to paragraph (7A), where”;
  - (ii) omit the words from “; but this paragraph” to the end of the paragraph;
- (c) after paragraph (7) insert—
  - “(7A) Paragraph (7) 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
    - (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)(p) of the Jobseeker’s Allowance Regulations; or
      - (ii) in the intensive activity period (New Deal) programme.”.

### **Regulation 37**

- 7. In regulation 37 (notional capital)—
  - (a) 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)”;
  - (b) 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 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of a person’s participation—
        - (i) in an employment programme specified under section 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).”.

### **Regulation 38**

8. In regulation 38 (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 40

9. In regulation 40 (interpretation), in the definition of “contribution”, after “in respect of the income”, insert “of a student or”.

## Insertion of regulation 46A

10. At the end of regulation 46 (disregard of contribution), insert—

### “Further disregard of student’s income

46A. 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

11.—(1) In paragraph 1 of Part I of Schedule 1 (applicable amounts; personal allowances), in the column headed “Column (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) For paragraph 2 of Part I of Schedule 1 (applicable amounts; personal allowances), substitute—

“2. The amounts specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of regulations 13(b) and 14(c)—

Column (1) <i>Child or Young Person</i>	Column (2) <i>Amount</i>
Person in respect of the period—	(a) £20£20
(a) beginning on that person’s date of birth and ending on the day preceding the first Monday in September following that person’s eleventh birthday	
(b) beginning on the first Monday in September following that person’s eleventh birthday and ending on the day preceding the first Monday in September following that person’s sixteenth birthday	(b) £25£90
(c) beginning on the first Monday in September following that person’s sixteenth birthday and ending on the day preceding that person’s nineteenth birthday	(c) £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 13(c) and 14(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”.

### Schedule 3

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

(a) in paragraph 24(1), at the end, add—

“(d) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995(8), in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to a child’s maintenance);”;

(b) for paragraph 26, substitute—

“**26.** 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 and Social Services Board;
- (b) a training school;
- (c) a voluntary organisation; or
- (d) the person concerned pursuant to Article 36(7) of the Health and Personal Social Services (Northern Ireland) Order 1972(9).”;

(7) Schedule 3 was amended by [S.R. 1998 No. 396](#)

(8) [S.I. 1995/755 \(N.I. 2\)](#)

(9) [S.I. 1972/1275 \(N.I. 14\)](#); Article 36 was substituted by Article 25 of the Health and Personal Social Services (Northern Ireland) Order 1991 ([S.I. 1991/194 \(N.I. 1\)](#))

(c) for paragraph 28, substitute—

“**28.**—(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<sup>(10)</sup> or under a hire-purchase agreement or a conditional sale agreement as defined in section 5 of the Consumer Protection Act (Northern Ireland) 1965<sup>(11)</sup>.

(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 33, for “paragraphs 12”, substitute “paragraphs 12(1)”;

(e) at the end, add—

“**60.** Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person’s participation in an employment programme specified in—

- (a) regulation 75(1)(a)(i)(bb)<sup>(12)</sup> of the Jobseeker’s Allowance Regulations;
- (b) regulation 75(1)(a)(ii) of those Regulations; or
- (c) regulation 75(1)(a)(iii) of those Regulations.

**61.** Any discretionary payment to meet or help meet special needs made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 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.

**62.**—(1) Subject to sub-paragraph (2), any discretionary payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 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 44 (other amounts to be disregarded).

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(10) 1974 c. 39

(11) 1965 c. 14 (N.I.); section 5 was amended by section 66(4) of, and Schedule 6 to, the Hire Purchase Act (Northern Ireland) 1966 (c. 42 (N.I.)) and by paragraph 46 of Schedule 4 to the Consumer Credit Act 1974 (c. 39)

(12) Head (i) was substituted by regulation 4(2) of S.R. 1998 No. 182

**63.** 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 1 of the Employment and Training Act (Northern Ireland) 1950.

**64.** Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person's participation in the intensive activity period (New Deal) programme.”.

#### **Schedule 4**

**13.** In Schedule 4 (capital to be disregarded), at the end, add—

“**52.** Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person's participation in an employment programme specified in—

- (a) regulation 75(1)(a)(i)(bb) of the Jobseeker's Allowance Regulations;
- (b) regulation 75(1)(a)(ii) of those Regulations; or
- (c) regulation 75(1)(a)(iii) 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 help meet special needs made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 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.

**54.** Any discretionary payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 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 a period of 52 weeks from the date of receipt of that payment.

**55.** 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.

**56.** Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 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**

**14.—**(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 operation.

(2) Regulation 18(2) and (3) of the Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 1998(**13**) is revoked.

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

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Sealed with the Official Seal of the Department of the Environment on

L.S.

15th September 1999.

*J. McCormick*  
Assistant Secretary

The Department of Finance and Personnel hereby consents to the foregoing Regulations.  
Sealed with the Official Seal of the Department of Finance and Personnel on

L.S.

15th September 1999.

*D. Thomson*  
Assistant Secretary



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## EXPLANATORY NOTE

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

Article 47 of the Housing (Northern Ireland) Order 1992 provides, inter alia, that where an application to the Northern Ireland Housing Executive for a grant is accompanied by an owner-occupier certificate or a tenant's certificate (as defined in Article 44(2) and (3)), then, if the financial resources of the applicant exceed the applicable amount determined in accordance with regulations, the amount of the grant shall be reduced in accordance with those Regulations.

These Regulations amend the Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1997 ("the principal Regulations") which set out a means test for determining the amount of renovation grant and disabled facilities grant which may be paid by the Housing Executive to owner-occupier and tenant applicants under Chapter I of Part III of the Housing (Northern Ireland) Order 1992.

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

Regulations 3 to 13 contain the amendments. In particular—

regulation 5 uprates the multipliers in regulation 11 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 and 13 amend provisions in Chapter VI of Part IV of, and Schedule 4 to, the principal Regulations (capital): regulation 7 provides that payments made to providers under the New Deal shall be excluded from a person's notional capital, and regulation 13 provides for certain payments made to New Deal participants to be disregarded for the purposes of calculating a person's capital;

regulations 9 and 10 amend provisions in Part V of the principal Regulations (students) with respect to the assessment of a student's income;

regulation 11 uprates the applicable amounts and premiums in Schedule 1 to the principal Regulations;

regulation 12 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 Health and Personal Social Services (Northern Ireland) Order 1972;

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 14 contains transitional provisions.