
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 110

**Housing Renovation etc. Grants (Reduction of Grant)
(Amendment) Regulations (Northern Ireland) 1996**

Amendment of regulation 16 of the principal Regulations

6. After regulation 16 there shall be inserted—

“Treatment of child care charges

16A.—(1) This regulation applies where a relevant person has incurred relevant child care charges and—

- (a) is a lone parent and is engaged in remunerative work;
- (b) is a member of a couple both of whom are engaged in remunerative work; or
- (c) is a member of a couple where one member is engaged in remunerative work and the other member is incapacitated.

(2) Relevant child care charges shall be determined over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of the charge provided by the child minder or person providing the care.

(3) For the purposes of paragraph (1)(c) the other member of a couple is incapacitated where—

- (a) the relevant person’s applicable amount includes—
 - (i) a disability premium; or
 - (ii) a higher pensioner premium by virtue of the satisfaction of paragraph 10(2)(b) of Schedule 1;on account of the other member’s incapacity;
- (b) the relevant person’s applicable amount would include a disability premium or a higher pensioner premium on account of the other member’s incapacity, but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations⁽¹⁾ made under section 167E of the 1992 Act⁽²⁾ (Incapacity for work: disqualification, etc.);
- (c) the relevant person (within the meaning of regulation 3) is or is treated as incapable of work, and has been so incapable or has been so treated as incapable of work in accordance with the provisions of, and regulations made under, Part XIII A of the 1992 Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;

(1) See the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 41) and the Social Security (Incapacity for Work) (Miscellaneous Amendment) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 149)

(2) Section 167E was inserted into the 1992 Act by Article 8(1) of S.I.1994/1898 (N.I. 12)

- (d) there is payable in respect of him one or more of the following—
- (i) long-term incapacity benefit, or short-term incapacity benefit at the higher rate, under Schedule 4 to the 1992 Act⁽³⁾ (rates of benefits, etc.);
 - (ii) attendance allowance under section 64 of that Act (entitlement to an attendance allowance);
 - (iii) severe disablement allowance under section 68 of that Act⁽⁴⁾ (severe disablement allowance: entitlement and rate);
 - (iv) disability living allowance under section 71 of that Act (disability living allowance);
 - (v) increase of disablement pension under section 104 of that Act (increase where constant attendance needed);
 - (vi) a pension increase under a war pension scheme or an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (v);
- (e) a pension or allowance to which head (ii), (iv), (v) or (vi) of sub-paragraph (d) refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient within the meaning of regulation 18(2) of the Housing Benefit (General) Regulations (Northern Ireland) 1987⁽⁵⁾ (patients);
- (f) sub-paragraph (d) or (e) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding statutory provision having effect in Great Britain⁽⁶⁾; or
- (g) he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977⁽⁷⁾ (provision of vehicles for those suffering disability) or under section 46 of the National Health Service (Scotland) Act 1978⁽⁸⁾ (provision of vehicles for persons suffering from physical defect or disability) or provided by the Department of Health and Social Services for Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁹⁾ (provision of vehicles for persons suffering from physical defect or disability).
- (4) In this regulation—
- “relevant child care charges” means the charges paid by the relevant person for care provided for any child of the relevant person’s family who is under the age of 11 years, other than charges paid in respect of the child’s compulsory education, where the care is provided on premises registered under section 11 of the Children and Young Persons Act (Northern Ireland) 1968 (registration of premises of child-minders)⁽¹⁰⁾ and shall be determined on a weekly basis in accordance with paragraph (2).”.

(3) Schedule 4, Part I, paragraph 2 of the 1992 Act was amended by Article 4(2) of S.I. 1994/1898 (N.I. 12)

(4) Section 68 was amended by Article 13 of, and by paragraph 18 of Schedule 1 and by Schedule 2 to, S.I. 1994/1898 (N.I. 12)

(5) S.R. 1987 No. 461

(6) S.I. 1994/1924

(7) 1977 c. 49; Section 5(2) was amended and subsection (2A) inserted by section 1 of the Public Health Laboratory Service Act 1979 (c. 23), and subsection (2B) was inserted by Section 9 of the Health and Social Security Act 1984 (c. 48)

(8) 1978 c. 29

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

(10) 1968 c. 34 (N.I.)