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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 396**

**HOUSING**

**Housing Renovation etc. Grants (Reduction of Grant)  
(Amendment) Regulations (Northern Ireland) 1998**

*Made - - - - 11th November 1998*

*Coming into operation 21st December 1998*

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) 1998 and shall come into operation on 21st December 1998.

**Amendments**

2. The Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1997(2) are amended in accordance with regulations 3 to 18.

**Regulation 2**

3. In regulation 2 (interpretation)–

(a) after the definition of “council tax benefit”, insert–

““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 under the management of the Crown Estate Commissioners;

“Crown Estate Commissioners” have the same meaning as in the Interpretation Act 1978(3);”;

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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

(3) 1978 c. 30

- (b) after the definition of “invalid carriage or other vehicle”, insert—
  - ““the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(4);”;
- (c) in the definition of “young person”, after “income support” insert “or income-based jobseeker’s allowance”.

#### **Regulation 9**

4. In regulation 9(2) (the applicable amount) in sub-paragraph (a) after “in receipt” insert “(and entitled to be in receipt)”.

#### **Regulation 11**

5. In regulation 11 (reduction in amount of grant)—
- (a) in paragraph (a)(i), for “18.17” substitute “17.39”;
  - (b) in paragraph (a)(ii), for “36.33” substitute “34.78”;
  - (c) in paragraph (a)(iii), for “145.32” substitute “139.13”;
  - (d) in paragraph (a)(iv), for “363.30” substitute “347.82”;
  - (e) in paragraph (b)(i), for “10.67” substitute “10.40”;
  - (f) in paragraph (b)(ii), for “21.34” substitute “20.80”;
  - (g) in paragraph (b)(iii), for “85.35” substitute “83.22”; and
  - (h) in paragraph (b)(iv), for “213.38” substitute “208.04”.

#### **Regulation 12**

6. In regulation 12(2) (successive applications), at the end of sub-paragraph (a) insert “or regulations 10 and 11 of the Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1992(5)”.

#### **Regulation 17**

7.—(1) In regulation 17(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 17(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.”.

#### **Regulation 18**

8. For regulation 18(4) (treatment of child care charges), substitute—

“(4) In this regulation—

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(4) S.R. 1996 No. 198; the relevant amending regulations are S.R. 1998 No. 182, S.R. 1998 No. 198 and S.R. 1998 No. 541  
(5) S.R. 1992 No. 412, amended by S.R. 1993 No. 399, S.R. 1994 No. 348 and S.R. 1996 No. 110 and revoked by S.R. 1997 No. 456

“relevant child care charges” means the charges paid by the relevant person for care provided for any child of the relevant person’s family in respect of the period beginning on, and including, that child’s date of birth and ending on the day preceding the first Monday in September following that child’s twelfth birthday, other than charges paid in respect of the child’s compulsory education or charges paid by the 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 7 (circumstances in which a person is to be treated as responsible or not responsible for another), where the care is provided—

- (a) by persons registered under Article 118 of the Children (Northern Ireland) Order 1995<sup>(6)</sup> (registration of childminders and persons providing day care);
- (b) by a child care scheme operating on Crown property where registration under Article 118 of the Children (Northern Ireland) Order 1995 is not required; or
- (c) by schools or establishments to which Article 118 of the Children (Northern Ireland) Order 1995 does not apply by virtue of Article 121(1) to (3) of that Order,

and shall be determined on a weekly basis in accordance with paragraph (2).”

### **Regulation 28**

9. In regulation 28(1) (determination of income other than earnings), for “(annuity treated as income)”, substitute “(capital treated as income)”.

### **Regulation 29**

10. For regulation 29 (annuity treated as income), substitute—

#### **“Capital treated as income**

29. Any payment received under an annuity shall be treated as income.”

### **Regulation 30**

11.—(1) In regulation 30(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 45, 46 or 47 of Schedule 4 refers”.

(2) In regulation 30(6) for “other than” to “the fund” substitute “other than any of the payments referred to in paragraph (6A)”.

(3) After regulation 30(6) insert—

“(6A) The payments for the purposes of the exclusion in paragraph (6) are any payment of income—

- (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>(7)</sup> (concessionary coal), or

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(6) S.I. 1995/755 (N.I. 2)  
(7) 1994 c. 21

- (c) made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950<sup>(8)</sup> in respect of a person's participation in an employment programme specified in regulation 75(1)(a) of the Jobseeker's Allowance Regulations or in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations."

(4) In regulation 30(7), at the end add "or to a service performed in connection with a relevant person's participation in an employment or training programme in accordance with regulation 19(1)(p) of the Jobseeker's Allowance Regulations".

### Regulation 37

12.—(1) In regulation 37(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 45, 46 or 47 of Schedule 4 refers”.

(2) In regulation 37(3), after “the Independent Living Fund” insert “or pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of a person's participation in an employment programme specified in regulation 75(1)(a) of the Jobseeker's Allowance Regulations or in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations”.

### Regulation 42

13. In regulation 42(2)(f) (determination of grant income), for “£280”, substitute “£295”.

### Schedule 1

14.—(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 “£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”;
- (f) in sub-paragraph 3(b), for “£77.15” substitute “£79.00”.

(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 aged—	(a) £17.30;
(a) less than 11	(b) £25.35;
(b) not less than 11 but less than 16	(c) £30.30.”
(c) not less than 16 but less than 19	

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<sup>(8)</sup> 1950 c. 29 (N.I.); section 1(1) was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

- (3) For paragraph 3 of Part II of Schedule 1 (applicable amounts; family premium), substitute—  
“3. The amount for the purposes of regulations 13(c) and 14(d) in respect of a family of which at least one member is a child or young person shall be £11.05.”.
- (4) Paragraph 7 (lone parent premium) shall be omitted.
- (5) For Part IV of Schedule 1 (applicable amounts; amounts of premiums specified in Part III), substitute—

## “Part IV

### Amounts of Premiums Specified in Part III

<i>Premium</i>	<i>Amount</i>
<b>18.</b> —	(a) (1) £20.10;
(1) Pensioner premium for persons aged under 75—	
(a) where the relevant person satisfies the condition in paragraph 8(a);	
(b) where the relevant person satisfies the condition in paragraph 8(b).	(b) £30.35.
(2) Pensioner premium for persons aged 75 and over—	(a) (2) £22.35;
(a) where the relevant person satisfies the condition in paragraph 9(a);	
(b) where the relevant person satisfies the condition in paragraph 9(b).	(b) £33.55.
(3) Higher pensioner premium—	(a) (3) £27.20;
(a) where the relevant person satisfies the condition in paragraph 10(1)(a) or (b);	
(b) where the relevant person satisfies the condition in paragraph 10(2)(a) or (b).	(b) £38.90.
(4) Disability premium—	(a) (4) £21.45;
(a) where the relevant person satisfies the condition in paragraph 11(a);	
(b) where the relevant person satisfies the condition in paragraph 11(b).	(b) £30.60.
(5) Severe disability premium—	(a) (5) £38.50;
(a) where the relevant person satisfies the condition in paragraph 13(2)(a);	
(b) where the relevant person satisfies the condition in paragraph 13(2)(b)—	(b) (i) £38.50

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<i>Premium</i>	<i>Amount</i>
(i) in a case where there is someone in receipt of an invalid care allowance or if he or any partner satisfies that condition only by virtue of paragraph 13(4),	
(ii) in a case where there is no one in receipt of such an allowance.	(ii) £77.00
(6) Disabled child premium	(6) £21.45 for each child or young person for whom the condition specified in paragraph 14 is satisfied.
(7) Carer premium	(7) £13.65 for each person who satisfies the condition specified in paragraph 15.”

## Schedule 2

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

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

## Schedule 3

16.—(1) In paragraph 11 of Schedule 3 (sums to be disregarded in the determination of income other than earnings)—

(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) 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)”.

(2) In paragraph 47(1) of Schedule 3 (disregard of maintenance in the calculation of income other than earnings), for “the family premium”, substitute “a family premium”.

(3) At the end of Schedule 3, add—

“59. Any payment made under Article 15A of the Health and Personal Social Services (Northern Ireland) Order 1972(9).”

## Schedule 4

17.—(1) In paragraph 45 of Schedule 4 (capital to be disregarded)—

(a) in sub-paragraph (1)(a), omit “under the age of 18”; and

(b) at the end of sub-paragraph (2)(b), add “where the person concerned is under the age of 18”.

(2) In paragraphs 46 and 47 of Schedule 4, omit “under the age of 18”, and, at the end of subparagraph (b), add “where the person concerned is under the age of 18”.

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### **Application**

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

(2) The amendment made by regulation 13(3) to paragraph 3 of Part II of Schedule 1 (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 (20), “lone parent” and “relevant person” have the same meaning as in the Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1997.

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

L.S.

11th November 1998.

*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.

11th November 1998.

*D. Thomson*  
Assistant Secretary

*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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## 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 which provided for reduction of the amount of renovation grant and disabled facilities grant which may be paid to such applicants.

Regulation 4 amends the definition of the applicable amount for cases where a person is in receipt of income support or an income-based jobseeker's allowance.

Regulation 5 amends the multipliers used in assessing the amount by which a grant is to be reduced.

Regulation 6 provides that, in certain circumstances, the amount by which a grant is reduced shall be abated by the amount by which a previous grant was reduced by virtue of regulations 10 and 11 of the Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1992.

Regulations 7 and 8 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 11 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 12 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 13 increases the sum to be disregarded from a student's grant income in respect of the cost of books and equipment.

Regulation 14 uprates the applicable amounts and premiums in Schedule 1 to the 1997 Regulations, and removes the higher family premium applicable to a lone parent, subject to transitional provisions.

Regulation 15 provides for the sum of £25 to be disregarded in the calculation of the earnings of a lone parent.

Regulation 16 provides for certain payments made under the Health and Personal Social Services (Northern Ireland) Order 1972 to be disregarded in the calculation of a person's income other than earnings.

Regulation 17 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.

Regulation 18 contains transitional provisions.