
STATUTORY INSTRUMENTS

1993 No. 551

HOUSING, ENGLAND AND WALES

The Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations 1993

<i>Made</i>	- - - -	<i>9th March 1993</i>
<i>Laid before Parliament</i>		<i>15th March 1993</i>
<i>Coming into force</i>	- -	<i>5th April 1993</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 on 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 1993 and shall come into force on 5th April 1993.

Application of Regulations

2. The amendments made by regulation 3 of these Regulations have effect in relation to applications for grant made on or after 5th April 1993.

Amendment of Regulations

3. The Housing Renovation etc. Grants (Reduction of Grant) Regulations 1990(2) are amended in accordance with the following provisions of these Regulations.

Definitions

- 4.—(1) In paragraph (1) of regulation 2—
- (a) the definitions of “the 1975 Act” and of “the 1986 Act” are omitted;
 - (b) after the definition of “the Act” there is inserted—

(1) 1989 c. 42.
(2) S.I.1990/1189, amended by S.I. 1991/897, 1992/705.

““the 1992 Act” means the Social Security Contributions and Benefits Act 1992;”(3);

(c) for the definition of “attendance allowance” there is substituted–

““attendance allowance” means–

- (a) an attendance allowance under Part III of the 1992 Act;
- (b) an increase of disablement pension under section 104 of that Act;
- (c) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Schedule 8 to that Act (constant attendance allowance);
- (d) an increase of an allowance which is payable in respect of constant attendance under a scheme under, or having effect under, paragraph 4 of Schedule 8 to that Act;
- (e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment;
- (f) any payment based on need for attendance which is paid as part of a war disablement pension;”(4)

(d) the definition of “the benefits Acts” is omitted;

(e) for the definition of “child benefit” there is substituted–

““child benefit” means child benefit under Part IX of the 1992 Act;”;

(f) for the definition of “community charge benefits” there is substituted–

““community charge benefits” means community charge benefits under Part VII of the 1992 Act;”(5)

(g) for the definition of “concessionary payment” there is substituted–

““concessionary payment” means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit under the 1992 Act are charged;”;

(h) after the definition of “concessionary payment” there is inserted–

““council tax benefit” means council tax benefit under Part VII of the 1992 Act;”(6);

(i) for the definitions of “disability living allowance” and “disability working allowance”(7) there are substituted the following respectively–

““disability living allowance” means a disability living allowance under Part III of the 1992 Act;

““disability working allowance” means a disability working allowance under section 123 of that Act;”;

(j) for the definition of “employed earner” there is substituted–

““employed earner” shall be construed in accordance with section 2(1)(a) of the 1992 Act;”;

(3) 1992 c. 4.

(4) See section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975 (c. 16) which was repealed, with savings, by the Social Security (Consequential Provisions) Act 1992 (c. 6). S.I. 1983/686; relevant amending instruments are S.I. 1983/1164 and 1984/1675.

(5) Part VII of the 1992 Act was amended by the Local Government Finance Act 1992 (c. 14), Schedule 9 (which substituted council tax benefit for community charge benefit), but continues to have effect as mentioned in section 118(4) of that Act.

(6) Council tax benefit was substituted for community charge benefit in Part VII by the Local Government Finance Act 1992 (c. 14), Schedule 9.

(7) These definitions were inserted by S.I. 1992/705.

- (k) after the definition of “family” there is inserted–
““the Fund” means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992, or, in Scotland, on 10th April 1992;”;
- (l) for the definitions of “housing benefit”, “income-related benefit” and “income support” there are substituted the following respectively–
““housing benefit” means housing benefit under Part VII of the 1992 Act;
“income-related benefit” means any benefit to which section 123 of that Act refers;
“income support” means income support under Part VII of that Act;”;
- (m) after the definition of “lone parent” there is inserted–
““lower rate” where it relates to rates of tax has the same meaning as in the Income and Corporation Taxes Act 1988 by virtue of section 832(1) of that Act;”(8);
- (n) after the definition of “the Macfarlane (Special Payments) Trust” there is inserted–
““the Macfarlane (Special Payments) (No. 2) Trust” means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;
“the Macfarlane Trusts” means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust;”;
- (o) for the definition of “married couple” there is substituted–
““married couple” has the meaning assigned by section 137(1) of the 1992 Act;”;
- (p) the definition of “mobility allowance” is omitted;
- (q) after the definition of “polygamous marriage” there is inserted–
““qualifying person” means a person in respect of whom payment has been made from the Fund;”;
- (r) for the definition of “rates” there is substituted–
““rates”–
(a) in relation to England and Wales, means any amount payable under any of sections 43, 45 or 54 of the Local Government Finance Act 1988 (non-domestic rates) and includes any sum payable on account of any such amount; and
(b) in relation to Scotland, means any amount payable under section 3 of the Abolition of Domestic Rates Etc (Scotland) Act 1987 (non-domestic rates) and includes any sum payable on account of any such amount;”(9);
- (s) for the definition of “self-employed earner” there is substituted–
““self-employed earner” shall be construed in accordance with section 2(1)(b) of the 1992 Act;”;
- (t) for the definition of “social fund payment” there is substituted–
““social fund payment” means a payment pursuant to Part VIII of the 1992 Act;”;
- (u) after the definition of “student” there is inserted–

(8) 1988 c. 1; the definition of “lower rate” was added by the Finance Act 1992 (c. 20), section 9(9).

(9) 1988 c. 41; section 43 was amended by paragraph 60 of Schedule 13 to the Local Government Finance Act 1992 (c. 14); section 45 was amended by paragraph 23 of Schedule 5 to the Local Government and Housing Act 1989 (c. 42) and by paragraph 63 of Schedule 13 to the Local Government Finance Act 1992. 1987 c. 47.

- ““supplementary benefit” means a supplementary pension or allowance under section 1 or 4 of the Supplementary Benefit Act 1976;”(10);
- (v) for the definitions of “war disablement pension” and “war widow’s pension” there is substituted–
- ““war disablement pension” and “war widow’s pension” have the meanings respectively assigned by section 150(2) of the 1992 Act;”; and
- (w) for the definition of “water charges”(11) there is substituted–
- ““water charges” means–
- (a) as respects England and Wales, any water and sewerage charges under Chapter I of Part V of the Water Industry Act 1991;
- (b) as respects Scotland, any water and sewerage charges under Schedule 5 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987, or any water charges under Part I of Schedule 11 to the Local Government Finance Act 1992, in so far as such charges are in respect of the dwelling which a person occupies as his only or main residence;”(12);
- (x) in the definition of “young person”, for the words “section 2 of the Child Benefit Act 1975(14)” there are substituted the words “section 142 of the 1992 Act”.
- (2) After paragraph (1) of Regulation 2 there is inserted–
- “(1A) For the purposes of these Regulations, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.”.

Remunerative work

5. In paragraph (1) of regulation 5, for “24 hours” there is substituted “16 hours”.

Circumstances in which a person is to be treated as being or not being a member of the household

6. In regulation 7–
- (a) for sub-paragraphs (a) and (b) of paragraph (2) there are substituted the following sub-paragraphs respectively–
- “(a) placed with the relevant person or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act; or
- (b) placed with the relevant person or his partner prior to adoption; or”(13);
- (b) for sub-paragraphs (a) and (b) of paragraph (3) there are substituted the following sub-paragraphs respectively–
- “(a) is being looked after by a local authority under a relevant enactment; or
- (b) has been placed with a person other than the relevant person prior to adoption; or”;
- (c) in paragraph (5)–
- (i) the words “the Children Act 1958(h),” and “and the Foster Children Act 1980(r).” are omitted; and

(10) 1976 c. 71.

(11) Inserted by S.I. 1991/897.

(12) 1991 c. 56; 1987 c. 47; 1992 c. 14.

(14) 1986 c. 55.

(13) 1989 c. 41.

- (ii) the words “, the Family Law Act 1986 and the Children Act 1989.”⁽¹⁴⁾ are added at the end.

The applicable amount

7. For regulation 8 there is substituted—

“The applicable amount

8.—(1) The applicable amount in respect of any one application shall be the aggregate of—

- (a) the total of the weekly applicable amounts of all those persons who are relevant persons in the case of that application, and
 - (b) £40.
- (2) For the purposes of paragraph (1), the weekly applicable amount—
- (a) as regards a relevant person who is in receipt of income support, is £1;
 - (b) as regards any other relevant person, is the amount determined in his case in accordance with regulation 12.”.

Reduction in amount of grant

8. For regulation 10 there is substituted—

“10.—(1) The amount of any grant which may be paid in respect of an application which is accompanied by an owner-occupation certificate shall, if the financial resources of the applicant or applicants exceed the applicable amount, be reduced from what it would otherwise have been by an amount equal to the aggregate of the amounts determined—

- (a) by multiplying by 17.1 such part of that excess as is £47.95 or less;
- (b) by multiplying by 34.2 such part of that excess as is greater than £47.95 but not more than £95.89;
- (c) by multiplying by 136.8 such part of that excess as is greater than £95.89 but not more than £191.78; and
- (d) by multiplying by 341 such part of that excess as is greater than £191.78.

(2) The amount of any grant which may be paid in respect of an application which is accompanied by a tenant’s certificate shall, if the financial resources of the applicant or applicants exceed the applicable amount, be reduced from what it would otherwise have been by an amount equal to the aggregate of the amounts determined—

- (a) by multiplying by 10.28 such part of that excess as is £47.95 or less;
- (b) by multiplying by 20.56 such part of that excess as is greater than £47.95 but not more than £95.89;
- (c) by multiplying by 82.22 such part of that excess as is greater than £95.89 but not more than £191.78; and
- (d) by multiplying by 205.55 such part of that excess as is greater than £191.78.”.

(14) 1986 c. 55.

Earnings of employed earners

9. For sub-paragraphs (h) and (i) of paragraph (1) of regulation 21 there are substituted the following sub-paragraphs respectively—

- “(h) any such sum as is referred to in section 112(3) of the 1992 Act (certain sums to be earnings for social security purposes);
- (i) any statutory sick pay under Part XI of the 1992 Act or statutory maternity pay under Part XII of that Act.”.

Determination of net earnings of employed earners

10. In sub-paragraph (a) of paragraph (3) of regulation 22 for the words “under the 1975 Act(d)” there are substituted the words “under Part I of the 1992 Act”.

Earnings of self-employed earners

11. In regulation 23(15), for the words from “shall” to the end there is substituted—

- “(a) shall include any allowance paid under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the relevant person for the purpose of assisting him in carrying on his business, but
- (b) shall not include any payment to which paragraph 24 of Schedule 3 refers (payments in respect of a person accommodated with the relevant person under arrangements made by a local authority or voluntary organisation).”.(16)

Determination of net profit of self-employed earners

12. In regulation 24, the words “under the 1992 Act” are substituted for the words “under the 1975 Act” in—

- (a) sub-paragraph (b) of paragraph (1),
- (b) sub-paragraph (b) of paragraph (3), and
- (c) sub-paragraph (a) of paragraph (9).

Deduction of tax and contributions for self-employed earners

13. In regulation 25—

- (a) in paragraph (1)—
 - (i) for the words “the basic rate of tax” there are substituted the words “the lower rate or, as the case may be, the lower rate and the basic rate of tax”; and
 - (ii) after the words “less than a year,” there are inserted the words “the earnings to which the lower rate and, if appropriate, the basic rate of tax is to be applied and”; and
- (b) for sub-paragraph (a) of paragraph (2) there is substituted—
 - “(a) the amount of Class 2 contributions payable under subsection (1) or, as the case may be, subsection (3) of section 11 of the 1992 Act except where the relevant person’s chargeable income is less than the amount for the time being specified in subsection (4) of that section (small earnings exception); and”; and
- (c) in sub-paragraph (b) of paragraph (2) for the words “section 9” there are substituted the words “section 15”.

(15) Regulation 23 was amended by S.I. 1991/897.

(16) 1973 c. 50, section 2 of which was substituted by section 25 of the Employment Act 1988 (c. 19); 1990 c. 35.

Determination of income other than earnings

14. In paragraph (3) of regulation 26, for the words “the benefit Acts” there are substituted the words “the 1992 Act”.

Notional income

15. In regulation 28(17)

(a) in paragraph (3)–

- (i) for the words “the Macfarlane Trust, the Macfarlane (Special Payments) Trust or the Independent Living Fund” there are substituted the words “any of the Macfarlane Trusts, the Independent Living Fund or the Fund”; and
- (ii) in sub-paragraph (a), for the words from “household fuel” to the end there are substituted the words “household fuel or rent of that single person or, as the case may be, of any member of that family, or is used for any council tax, personal community charge, collective community charge contribution or water charges for which that relevant person or member is liable.”;

(b) in paragraph (4)–

- (i) sub-paragraph (c) and the word “and” which precedes it are omitted; and
- (ii) after the words “that employment” there are inserted the words “unless the relevant person satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service”;

(c) in paragraph (7)(a)

- (i) for the words “the basic rate of tax” there are substituted the words “the lower rate or, as the case may be, the lower and the basic rate of tax”; and
- (ii) after the words “less than a year,” there are inserted the words “the earnings to which the lower rate and, if appropriate, the basic rate of tax is to be applied and”;

(d) in paragraph (7)(b) for the words “the 1975 Act” there are substituted the words “the 1992 Act”;

(e) in paragraph (8)–

- (i) for the words “In paragraph (3) the expression” there are substituted the words
“In paragraph (3)–
 - (a) the expression”; and
- (ii) after the words “sporting activities” at the end there are inserted the words
“; and
 - (b) “rent” means eligible rent to which regulation 10 of the Housing Benefit (General) Regulations 1987 refers, less any deductions in respect of non-dependants which fall to be made under regulation 63 of those Regulations.”(18).

Modifications in respect of children and young persons

16. In regulation 29–

(17) Regulation 28 was amended by S.I. 1991/897.

(18) S.I. 1987/1971. Regulation 10 was amended by S.I. 1988/1971 and S.I. 1990/546; regulation 63 was amended by S.I. 1990/546, S.I. 1990/1775, S.I. 1991/235, S.I. 1991/387, and S.I. 1992/50.

- (a) in paragraph (1), after the words “income of a child or young person” there are inserted the words “, except income consisting of any payment of maintenance whether under a court order or not,”; and
- (b) in paragraph (2), after the words “any income of that child or young person” there are inserted the words “, except income consisting of any payment of maintenance whether under a court order or not,”.

Income treated as capital

17. In paragraph (6) of regulation 32 for the words “the Macfarlane Trust, the Macfarlane (Special Payments) Trust or the Independent Living Fund” there are substituted the words “any of the Macfarlane Trusts, the Independent Living Fund or the Fund”.

Notional capital

18. In regulation 35

- (a) in paragraph (3)(**19**), for the words “the Macfarlane Trust, the Macfarlane (Special Payments) Trust or the Independent Living Fund” there are substituted the words “any of the Macfarlane Trusts, the Independent Living Fund or the Fund”; and
- (b) in sub-paragraph (a) of paragraph (3), for the words from “household fuel” to the end of the sub-paragraph there are substituted the words “household fuel or rent of that single person or, as the case may be, of any member of that family, or is used for any council tax, personal community charge, collective community charge contribution or water charges for which that relevant person or member is liable.”;
- (c) in paragraph (7)–
 - (i) for the words “In paragraph (3) the expression” there are substituted the words “In paragraph (3)–
 - (a) the expression”; and
 - (ii) after the words “sporting activities” at the end there are inserted the words “; and
 - (b) “rent” means eligible rent to which regulation 10 of the Housing Benefit (General) Regulations 1987 refers, less any deductions in respect of non-dependants which fall to be made under regulation 63 of those Regulations.”.

Students

19. In Part V (students)–

- (a) in regulation 38 (interpretation)–
 - (i) in the definition of “sandwich course” for the words “Education (Mandatory Awards) Regulations 1988” there are substituted the words “Education (Mandatory Awards) Regulations 1991”(**20**); and
 - (ii) for the definition of “student” there is substituted–
 - ““student” means a person, other than a person in receipt of a training allowance, who is attending a course of study at an educational establishment; and a person who has started on such a course shall be treated as attending it

(19) Paragraph (3) was substituted by S.I. 1991/897.

(20) S.I. 1991/1838.

throughout any period of term or vacation within it, until the last day of the course or such earlier date as he abandons it or is dismissed from it.”;

- (b) in regulation 40 (determination of grant income)–
- (i) in paragraph (1), for the words “subject to paragraph (2)” there are substituted the words “subject to paragraphs (2) and (3)”;
 - (ii) in sub-paragraph (g) of paragraph (2)(21) for “£246” there is substituted “£267”; and
 - (iii) after paragraph (2) there is inserted–
“(3) Where in pursuance of an award a student is in receipt of a grant in respect of maintenance under regulation 17(b) of the Education (Mandatory Awards) Regulations 1991 (payments) there shall be excluded from his grant income a sum equal to such amount specified in paragraph 7(4) of Schedule 2 to those Regulations (disregard of travel costs) as falls to be disregarded in his case.”.

Personal allowances

20. In Part I of Schedule 1–

- (a) for the amounts specified in column (2) of paragraph 1(22) the following amounts are substituted–
- (a) “(1) £34.80;
 - (b) £44.00.
 - (a) (2) £34.80;
 - (b) £44.00.
 - (a) (3) £52.40;
 - (b) £69.00.”; and
- (b) for the amounts specified in column (2) of paragraph 2(23) the following amounts are substituted–
- “(a) £15.05;
 - (b) £22.15;
 - (c) £26.45;
 - (d) £34.80.”.

Family premium

21. In Part II of Schedule 1(24), for “£7.95” there is substituted “£9.65”.

Additional condition for the higher pensioner and disability premiums

22. In paragraph 12(25) of Schedule 1–

- (a) in sub-paragraph (1)–
- (i) in paragraph (a)(i), for the words “an invalidity pension under section 15 of the 1975 Act(21) or severe disablement allowance under section 36 of that Act(22)” there are

(21) Sub-paragraph (g) was amended by S.I. [1991/1838](#).

(22) The amounts specified by paragraph 1 were substituted by S.I. [1991/897](#).

(23) The amounts specified by paragraph 2 were substituted by S.I. [1991/897](#).

(24) Part II was amended by S.I. [1991/897](#).

(25) A relevant amending instrument is S.I. [1992/705](#).

(21) Sub-paragraph (g) was amended by S.I. [1991/1838](#).

substituted the words “an invalidity pension under section 33 of the 1992 Act or severe disablement allowance under section 68 of that Act”;

(ii) in paragraph (a)(ii), for the words “invalidity pension under section 15 of the 1975 Act” there are substituted the words “invalidity pension under section 33 of the 1992 Act”; and

(iii) in paragraph (a)(iii), for the words “section 82(6)(b) of the 1975 Act” there are substituted the words “section 113(2) of the 1992 Act”; and

(b) in sub-paragraph (5)–

(i) in paragraph (a), for the words “sections 14, 15 or 36 of the 1975 Act” there are substituted the words “sections 31, 33 or 68 of the 1992 Act”; and

(ii) in paragraph (b) for the words “Part I of the Social Security and Housing Benefits Act 1982(g)” there are substituted the words “Part XI of the 1992 Act”.

Severe disability premium

23. In paragraph 13(26) of Schedule 1–

(a) in each place where the words “section 37ZB(3) of the 1975 Act” occur, there are substituted for those words the words “section 72(3) of the 1992 Act”; and

(b) in sub-paragraph (2)(a)(iii) for the words “section 37 of the 1975 Act” there are substituted the words “section 70 of the 1992 Act”.

Carer premium

24. In paragraph 14A(27) of Schedule 1–

(a) in sub-paragraph (1) for the words “section 37 of the 1975 Act” there are substituted the words “section 70 of the 1992 Act”;

(b) in sub-paragraph (2)(b) for the words “section 37ZB(3) of the 1975 Act” there are substituted the words “section 72(3) of the 1992 Act”; and

(c) after sub-paragraph (2), there is inserted–

“(3) Where the relevant person or his partner ceases to be in receipt of, or ceases to be treated as being in receipt of, invalid care allowance, the condition mentioned in sub-paragraph (1) shall be treated as satisfied for a period of eight weeks from the date on which he or his partner, as the case may be, was last in receipt of, or was last treated as being in receipt of, invalid care allowance.”.

Persons in receipt of concessionary payments

25. In paragraph 15 of Schedule 1, for the words “paragraphs 12 to 14” there are substituted the words “paragraphs 12 to 14A”.

Amounts of premiums specified in Part III

26. For the amounts specified in Part IV of Schedule 1, the following amounts are substituted–
£10.95.

(a) (2) £17.30;

(22) The amounts specified by paragraph 1 were substituted by S.I. 1991/897.

(26) Paragraph 13 was amended by S.I. 1992/705.

(27) Paragraph 14A was inserted by S.I. 1991/897 and amended by S.I. 1992/705.

- (b) £26.25.
- (a) (3) £19.30;
- (b) £29.00.
- (a) (4) £23.55;
- (b) £33.70.
- (a) (5) £18.45;
- (b) £26.45.
- (a) (6) £33.70;
- (b) (i) £33.70;
- (ii) £67.40.
- £18.45.
- £11.95.”.(28)

Sums to be disregarded in the determination of earnings

27. In Schedule 2–

- (a) in paragraph 1(a)(i), for the words “under the 1975 Act” there are substituted the words “under the 1992 Act”;
- (b) in paragraph 3(4)(c), following the words “sub-paragraph (2)” there are inserted the words “or (3)”;
- (c) after paragraph 4, there are inserted the following paragraphs–

“**4A.**—(1) In a case to which neither paragraph 3 nor 4 applies to the relevant person, and subject to sub-paragraph (2), where the relevant person’s applicable amount includes an amount by way of the carer premium under Schedule 1 (applicable amounts), £15 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of invalid care allowance or treated in accordance with paragraph 14A(2) of that Schedule as being in receipt of invalid care allowance.

(2) Where the carer premium is awarded in respect of the relevant person and of any partner of his, their earnings shall for the purpose of this paragraph be aggregated, but the amount of earnings to be disregarded in accordance with sub-paragraph (1) shall not exceed £15 of the aggregated amount.

4B. Where the carer premium is awarded in respect of a relevant person who is a member of a couple and whose earnings are less than £15, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment–

- (a) specified in paragraph 6(1), so much of the other member’s earnings as would not when aggregated with the amount disregarded under paragraph 4A exceed £15;
- (b) other than an employment specified in paragraph 6(1), so much of the other member’s earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 4A exceed £15.”;
- (d) in paragraph 5, for the words “paragraph 3 does not apply” there are substituted the words “paragraphs 3, 4A and 4B do not apply”.

(28) The amounts of premiums specified in Part IV of Schedule 1 were substituted, and sub-paragraph 17(8) of Part IV was added, by S.I. 1991/897.

- (e) in paragraph 6, for the words “neither paragraph 3 nor 4” there are substituted the words “none of paragraphs 3, 4, 4A or 4B applies”;
- (f) in paragraph 9, for “17, 18 or 27” there is substituted “17 or 18”;
- (g) in paragraph 14, for the words “section 2 of the Child Benefit Act 1975 (meaning of child)(27)” there are substituted the words “section 142 of the 1992 Act (meaning of child)”;
- (h) in paragraph 15, for “24 hours” there is substituted “16 hours”.

Sums to be disregarded in the determination of income other than earnings

28. In Schedule 3–

- (a) for paragraph 5(27) there is substituted–
 - “5. Any disability living allowance.”;
- (b) for sub-paragraph (b) of paragraph 6 there is substituted–
 - “(b) income support;
 - (c) mobility allowance under section 37A of the Social Security Act 1975.”(29);
- (c) in paragraph 13(30)
 - (i) in sub-paragraph (2), for the words from “household fuel” to the end there are substituted the words “household fuel or rent of that single person or, as the case may be, of any member of that family, or is used for any council tax, personal community charge, collective community charge contribution or water charges for which that relevant person or member is liable.”;
 - (ii) for sub-paragraph (5) there is substituted–
 - “(5) for the purposes of sub-paragraph (2),
 - (a) the expression “ordinary clothing or footwear” has the same meaning as in regulation 28(8); and
 - (b) “rent” means eligible rent to which regulation 10 of the Housing Benefit (General) Regulations 1987 refers, less any deductions in respect of non-dependents which fall to be made under regulation 63 of those Regulations.”;
- (d) for sub-paragraph (b) of paragraph 14 there is substituted–
 - “(b) a pension paid by the government of a country outside Great Britain which is either–
 - (i) analogous to a war disablement pension; or
 - (ii) analogous to a war widow’s pension;”;
- (e) in paragraph 15–
 - (i) in sub-paragraph (2)(b), for the words “or community water charge under the Abolition of Domestic Rates (Scotland) Act 1987(31),” there are substituted the words “council tax, or water charges”;
 - (ii) after sub-paragraph (2) there is inserted–

(27) Paragraph 14A was inserted by S.I. 1991/897 and amended by S.I. 1992/705.

(27) Paragraph 14A was inserted by S.I. 1991/897 and amended by S.I. 1992/705.

(29) Section 37A was inserted by section 22(1) of the Social Security Pensions Act 1975 (c. 60).

(30) Paragraph 13 was amended by S.I. 1991/897.

(31) 1976 c. 36; section 57A was inserted by paragraph 25 of Schedule 10 to the Children Act 1989; 1978 c. 28; 1989 c. 41; 1975 c. 72.

“(3) The definition of “water charges” in regulation 2(1) shall apply to sub-paragraph (2) of this paragraph in respect of the dwelling or buildings with the omission of the words “in so far as such charges are in respect of the dwelling which a person occupies as his home.””;

- (f) in paragraph 20, for “£7.35” in sub-paragraph (b) there is substituted “£8.60”;
- (g) in paragraph 23, for paragraphs (a) and (b) in sub-paragraph (1) there are substituted the following paragraphs respectively—

- “(a) in accordance with regulations made pursuant to section 57A of the Adoption Act 1976 (permitted allowances) or with a scheme approved by the Secretary of State under section 51 of the Adoption (Scotland) Act 1978 (schemes for payments of allowances to adopters);

- (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or, as the case may be, section 50 of the Children Act 1975 (payment towards maintenance of children);”(31);

- (h) for paragraph 24 there is substituted—

“24. Any payment made by a local authority to the relevant person with whom a person is accommodated by virtue of arrangements made under section 23(2)(a) of the Children Act 1989 or, as the case may be, section 21 of the Social Work (Scotland) Act 1968 or by a voluntary organisation under section 59(1)(a) of the Children Act 1989 or by a care authority under regulation 9 of the Boarding Out and Fostering of Children (Scotland) Regulations 1985 (provision of accommodation and maintenance for children by local authorities and voluntary organisations).”(32);

- (i) for paragraph 26 there is substituted—

“26. Any payment made by a local authority in accordance with section 17 or 24 of the Children Act 1989 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (provision of services for children and their families and advice and assistance to certain children).”;

- (j) paragraph 27 is omitted;

- (k) for paragraph 31 there is substituted—

“31. Any payment under section 148 of the 1992 Act (pensioners' Christmas bonus).”;

- (l) for paragraph 14 there is substituted—

“34.—(1) Any payment made under any of the Macfarlane Trusts, the Independent Living Fund or the Fund.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under any of the Macfarlane Trusts or the Fund and which is made to or for the benefit of—

- (a) that person’s partner or former partner from whom he is not, or where that person has died was not, estranged or divorced;
- (b) any child who is a member of that person’s family or who was such a member and who is a member of the relevant person’s family; or

(31) 1976 c. 36; section 57A was inserted by paragraph 25 of Schedule 10 to the Children Act 1989; 1978 c. 28; 1989 c. 41; 1975 c. 72.

(32) 1968 c. 49; S.I. 1985/1799.

- (c) any young person who is a member of that person's family or who was such a member and who is a member of the relevant person's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, which derives from a payment made under any of the Macfarlane Trusts or the Fund and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the relevant person's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the relevant person's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under any of the Macfarlane Trusts or the Fund, where—
- (a) that person has no partner or former partner from whom he is not estranged or divorced, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
- (i) to that person's parent or step-parent, or
- (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,
- but only for a period from the date of the payment until the end of two years from that person's death.
- (5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under any of the Macfarlane Trusts or the Fund, where—
- (a) that person at the date of his death ("the relevant date") had no partner or former partner from whom he was not estranged or divorced, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either—
- (i) to that person's parent or step-parent, or
- (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,
- but only for a period of two years from the relevant date.
- (6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Macfarlane Trusts or the Fund.”;
- (m) at the end of paragraph 40 there are added the words “or reduction of council tax either under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax).”(33);

(n) the following paragraphs are added after paragraph 46⁽³⁴⁾

“47.—(1) Where a relevant person’s applicable amount includes an amount by way of the family premium, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by—

- (a) the relevant person’s former partner, or the relevant person’s partner’s former partner; or
- (b) the parent of a child or young person where that child or young person is a member of the relevant person’s family except where that parent is the relevant person or the relevant person’s partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

48. Any payment made by the Secretary of State to compensate a person who was entitled to supplementary benefit in respect of a period ending immediately before 11th April 1988 but who did not become entitled to income support in respect of a period beginning with that day.

49. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 or in accordance with arrangements made under section 2 of the Employment and Training Act 1973 to assist disabled persons to obtain or retain employment despite their disability.

50. Any guardian’s allowance under Part III of the 1992 Act.

51. Any council tax benefit.”⁽³⁵⁾.

Capital to be disregarded

29. In Schedule 4—

- (a) in paragraph 5—
 - (i) following the words “or in part” there are inserted the words “as his only or main residence”; and
 - (ii) in sub-paragraph (b), the words “as his only or main residence” are omitted;
- (b) in paragraph 9, sub-paragraph (2) is omitted;
- (c) for paragraph 19 there is substituted—

“19. Any payment made by a local authority in accordance with section 17 or 24 of the Children Act 1989 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (provision of services for children and their families and advice and assistance to certain children).”;

- (d) for paragraph 24 there is substituted—

“24.—(1) Any payment made under any of the Macfarlane Trusts, the Independent Living Fund or the Fund.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under any of the Macfarlane Trusts or the Fund and which is made to or for the benefit of—

⁽³⁴⁾ Paragraph 46 was inserted by S.I. 1991/897.

⁽³⁵⁾ 1944 c. 10; 1973 c. 50, section 2 of which was substituted by section 25(1) of the Employment Act 1988 (c. 19).

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the relevant person's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the relevant person's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, which derives from a payment made under any of the Macfarlane Trusts or the Fund and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the relevant person's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the relevant person's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under any of the Macfarlane Trusts or the Fund, where—
- (a) that person has no partner or former partner from whom he is not estranged or divorced, nor any child or young person who is or had been a member of that person's family; and
 - (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,
 but only for a period from the date of the payment until the end of two years from that person's death.
- (5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under any of the Macfarlane Trusts or the Fund, where—
- (a) that person at the date of his death ("the relevant date") had no partner or former partner from whom he was not estranged or divorced, nor any child or young person who was or had been a member of his family; and
 - (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,
 but only for a period of two years from the relevant date.
- (6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Macfarlane Trusts or the Fund.”;
- (e) in paragraph 29, the words “or personal” are inserted before the word “pension”;

- (f) in paragraph 31, after the words “the Macfarlane (Special Payments) Trust” there are inserted the words “, the Macfarlane (Special Payments) (No. 2) Trust or the Fund”;
- (g) in paragraph 32(36), for the words “under section 2(4)(c)” there are substituted the words “under either of those sections”;
- (h) at the end of paragraph 35 there are added the words “or reduction of council tax either under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax).”;
- (i) the following paragraphs are added after paragraph 40(37)

“41. Any payment made by the Secretary of State to compensate a person who was entitled to supplementary benefit in respect of a period ending immediately before 11th April 1988 but who did not become entitled to income support in respect of a period beginning with that day.

42. Any payment (other than a training allowance, or a training bonus under section 2 of the Employment and Training Act 1973) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 or in accordance with arrangements made under section 2 of the Employment and Training Act 1973 to assist disabled persons to obtain or retain employment despite their disability.

43. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.

44. Any council tax benefit.”(38).

4th March 1993

Michael Howard
Secretary of State for the Environment

5th March 1993

David Hunt
Secretary of State for Wales

We consent,

9th March 1993

Tim Wood
Tim Kirkhope
Two of the Lords Commissioners of Her
Majesty’s Treasury

(36) Paragraph 32 was amended by S.I. [1991/897](#).

(37) Paragraph 40 was inserted by S.I. [1991/897](#).

(38) ([1973 c. 50](#), section 2 of which was substituted by section 25(1) of the Employment Act [1988 \(c. 19\)](#); [1944 c. 10](#); [1958 c. 33](#).)

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Housing Renovation etc. Grants (Reduction of Grant) Regulations 1990 (“the principal Regulations”).

Regulation 2 provides that the amendments apply in respect of applications for grant made on or after 5th April 1993 (the date on which these Regulations come into force).

Regulation 4 amends definitions in regulation 2 of the principal Regulations to take account of the consolidation (in the Social Security Contributions and Benefits Act 1992 and related enactments) of the legislation relating to social security, and to reflect other changes to relevant legislation, including previous amendments to the principal Regulations and other amendments made by these Regulations.

Regulation 5 amends regulation 5 of the principal Regulations (remunerative work).

Regulation 6 amends regulation 7 of the principal Regulations (circumstances in which a person is to be treated as being or not being a member of the household) to take account of changes (in the Children Act 1989) to the legislation relating to children and young people.

Regulation 7 substitutes a new regulation 8 for regulation 8 of the principal Regulations (the applicable amount).

Regulation 8 substitutes a new regulation 10 for regulation 10 of the principal Regulations (reduction in amount of grant).

Regulations 9, 10, 12 and 14 amend respectively regulations 21 (earnings of employed earners), 22 (determination of net earnings of employed earners), 24 (determination of net profit of employed earners) and 26 (determination of income other than earnings) of the principal Regulations to take account of the consolidation of the legislation relating to social security.

Regulation 11 amends regulation 23 of the principal Regulations (earnings of self-employed earners).

Regulation 13 amends regulation 25 of the principal Regulations (deduction of tax and contributions for self-employed earners).

Regulations 15, 17 and 18 amend references to the Macfarlane Trust in respectively regulations 28 (notional income), 32 (income treated as capital), and 35 (notional capital) of the principal Regulations. Regulations 15 and 18 also amend regulations 28 and 35 as regards payments of income or capital (as the case may be) to third parties.

Regulation 16 amends regulation 29 of the principal Regulations. Regulation 19 amends Part V of the principal Regulations (students) to take account of changes to relevant legislation in the Education (Mandatory Awards) Regulations 1988.

Regulations 20, 21 and 26 increase all the personal allowances and premiums in Schedule 1 to the principal Regulations.

Regulations 22, 23, 24 and 25 make other amendments to Schedule 1 to take account of the recent consolidation of the legislation relating to social security. Regulation 24 also extends the applicability of paragraph 14A of Schedule 1 (the carer premium) in certain circumstances.

Regulation 27 makes consequential amendments to Schedule 2 to the principal regulations (sums to be disregarded in the determination of earnings).

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Regulation 28 amends Schedule 3 to the principal Regulations (sums to be disregarded in the determination of earnings) and adds new paragraphs 47, 48, 49, 50 and 51 to that Schedule (additional disregards of payments of maintenance, payments of compensation for non-entitlement to income support, payments to assist disabled persons to obtain or retain employment, payments of guardian's allowance, and payments of council tax benefit).

Regulation 29 amends Schedule 4 to the principal Regulations (capital to be disregarded) and adds new paragraphs 41, 42, 43, and 44 to that Schedule (additional disregards of payments of compensation for non-entitlement to income support, payments to assist disabled persons to obtain or retain employment, payments to blind homeworkers, and payments of council tax benefit).