

2001 No. 739

HOUSING, ENGLAND

**The Housing Renewal Grants (Amendment) (England)
Regulations 2001**

<i>Made</i> - - - - -	<i>5th March 2001</i>
<i>Laid before Parliament</i>	<i>12th March 2001</i>
<i>Coming into force</i> - -	<i>2nd April 2001</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred upon him by sections 30 and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996(a) and of all other powers enabling him in that behalf, and with the consent of the Treasury, hereby makes the following Regulations:

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Housing Renewal Grants (Amendment) (England) Regulations 2001 and shall come into force on 2nd April 2001.
- (2) These Regulations extend to England only.

Amendments

2. The Housing Renewal Grants Regulations 1996(b) are amended in accordance with the following regulations.

Regulation 2

3. In regulation 2(1) (interpretation)—
- (a) after the definition of “attendance allowance”, insert—
- “ “benefit week” means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;”;
- (b) after the definition of “employed earner”, insert—
- “ “employment zone” means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999(c) and an “employment zone programme” means a programme established for such an area designed to assist claimants for a jobseeker’s allowance to obtain sustainable employment;
- “employment zone contractor” means a person who is undertaking the provision of facilities in respect of an employment zone programme on behalf of the Secretary of State for Education and Employment;”;
- (c) after the definition of “self-employed earner”, insert—
- “ “self-employment route” means—

(a) 1996 c. 53; the Secretary of State can exercise the power under these sections only in relation to England; *see* article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(b) S.I. 1996/2890, amended by S.I. 1996/3119, 1997/977, 1998/808, 1999/1523, 1999/2568, 2000/531 and 2000/910.

(c) 1999 c. 30.

- (a) that part of the Employment Option of the New Deal which is specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker's Allowance Regulations^(a); or
- (b) assistance in pursuing self-employed earner's employment whilst participating in an employment zone programme[;];
- (d) after the definition of "statutory sick pay", insert—
 - “ subsistence allowance” means an allowance which an employment zone contractor has agreed to pay to a person who is participating in an employment zone programme[;]”.

Regulation 8

4. In paragraph (2) of regulation 8 (circumstances in which a person is to be treated as responsible or not responsible for another), in sub-paragraph (a), after “in respect of him” insert “, or, if no-one is in that position, with whom he has been placed under section 23(2) of the Children Act 1989^(b)”.

Regulation 10

5. In paragraph (1) of regulation 10 (the applicable amount)^(c), in sub-paragraph (b), for “£50” substitute “£51.60” and for “£65” substitute “£67.08”.

Regulation 18

- 6. In regulation 18 (determination of income on a weekly basis)^(d)—
 - (a) in paragraph (1), after “(treatment of child care charges)”, insert “from the aggregated weekly income or, in a case where the conditions in paragraph (1ZA) are met, from the aggregated weekly income plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate[;]; and
 - (b) after paragraph (1), insert—
 - “(1ZA) The conditions of this paragraph are that—
 - (a) the relevant person's average weekly earning as mentioned in sub-paragraph (a) or (b) of paragraph (1) are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (1A) otherwise applies in his case; and
 - (b) that relevant person or, if he is a member of a couple either the relevant person or his partner, is in receipt of either working families' tax credit or disabled person's tax credit.”.

Regulation 19

- 7. In paragraph (7) of regulation 19 (treatment of child care charges)^(e)—
 - (a) at the end of sub-paragraph (c), omit the word “or[;]”;
 - (b) after sub-paragraph (d), add—
 - “; or
 - (e) by a child care provider approved by an organisation accredited by the Secretary of State under the scheme established by the Tax Credit (New Category of Child Care Provider) Regulations 1999^(f).”.

Regulation 31

- 8. In paragraph (10A) of regulation 31 (notional income)^(g)—
 - (a) in sub-paragraph (a), after the word “if” insert the words “the local authority is satisfied that[;]”;
 - (b) at the end of sub-paragraph (b)(i), omit the word “or[;]”;
 - (c) after sub-paragraph (b)(ii) add—

(a) Regulation 75(1)(a) of the Jobseeker's Allowance Regulations was amended by S.I. 1997/2863 and 1998/1174.
 (b) 1989 c. 41.
 (c) Regulation 10 was amended by S.I. 1998/808 and 2000/910.
 (d) Regulation 18 was amended by S.I. 1998/808, and 2000/531.
 (e) Regulation 19 was amended by S.I. 1999/2568.
 (f) S.I. 1999/3110.
 (g) Regulation 19 was amended by S.I. 1998/808, 1999/1523 and 2000/531.

“; or

- (iii) the relevant person’s or the relevant person’s partner’s participation in an employment or training programme as defined in regulation 19(3) of the Jobseeker’s Allowance Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme.”.

Regulation 32

- 9. In regulation 32 (modification in respect of children and young persons)—
 - (a) in paragraph (1), for the words “disabled child premium, if any,” substitute “any disabled child premium and any enhanced disability premium”;
 - (b) in paragraphs (2) and (5), in each case, for “£5,000”, substitute “£6,000”.

Regulation 35

- 10. In regulation 35 (income treated as capital)(a)—
 - (a) in paragraph (7), for the words “an employment programme specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker’s Allowance Regulations” substitute “the self-employment route”, and for the words “those Regulations” substitute “the Jobseeker’s Allowance Regulations”;
 - (b) after paragraph (7) add—
 - “(8) Any arrears of subsistence allowance which are paid to a relevant person as a lump sum shall be treated as capital.”.

Regulation 40

- 11. In paragraph (1) of regulation 40 (determination of tariff income from capital), for “£5,000” in both cases substitute “£6,000”.

Regulation 41

- 12. In regulation 41 (interpretation of Part II)(b)—
 - (a) before the definition of “college of further education”, and “access funds” means—
 - (a) grants made under section 7 of the Further and Higher Education Act 1992(c) and described as “learner support funds” or grants made under section 68 of that Act and described as “access bursary funds” or “hardship funds”;
 - (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980(d);
 - (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993(e), or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997(f) in each case being grants, or grants, loans or other payments as the case may be, made for the purpose of assisting students in financial difficulties;”;
 - (b) in the definition of “course of study”, omit the words from “and for the purposes of” to the end;
 - (c) for the definition of “grant” substitute—
 - “grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds;”;
 - (d) after the definition of “last day of the course”, insert—

(a) Regulation 35 was amended by S.I. 1999/1523.

(b) Regulation 41 was amended by S.I. 1999/1523 and 2000/531.

(c) 1992 c. 13.

(d) 1980 c. 44. The functions of the Secretary of State were transferred to Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(e) S.I. 1993/2810 (N.I. 12).

(f) S.I. 1997/1772 (N.I. 15).

“ “qualifying course” has the meaning given in regulation 17A(7) of the Jobseeker’s Allowance Regulations;”;

(e) for the definition of “sandwich course” substitute—

“ “sandwich course” has the meaning prescribed in regulation 5(2) of the Education (Student Support) Regulations 2000(a), regulation 5(2) of the Education (Student Loans) (Scotland) Regulations 2000(b), or regulation 5(2) of the Education (Student Support) Regulations (Northern Ireland) 2000(c) as the case may be;”;

(f) for the definition of “student” substitute—

“ “student” means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

(a) a course of study at an educational establishment; or

(b) a qualifying course;”.

Regulation 43

13. In regulation 43 (determination of grant income)—

(a) in paragraph (3)(d)—

(i) in sub-paragraph (a), for “£250” substitute “£255”, and

(ii) in sub-paragraph (b), for “£303” substitute “£311”;

(b) after paragraph (3), add—

“(4) Subject to paragraphs (5) and (6), a student’s grant income shall be apportioned—

(a) subject to paragraph (7) in a case where it is attributable to the period of study, equally between the weeks in that period,

(b) in any other case, equally between the weeks in the period in respect of which it is payable.

(5) Any amount intended for the maintenance of dependants under Part III of Schedule 2 to the Education (Mandatory Awards) Regulations 1999(e) shall be apportioned equally over the period of 52 weeks of the year as defined for the purposes of those regulations or, if there are 53 benefit weeks (including part-weeks) in the year, 53.

(6) Any amount intended for the maintenance of dependants to which neither paragraph (5) nor regulation 45(2) (other amounts to be disregarded) apply, shall be apportioned over the same period as the student’s loan is apportioned or would have been apportioned had he had one.

(7) In the case of a student on a sandwich course, any periods of experience with the period of study within that period shall be excluded and the student’s grant income shall be apportioned equally between the remaining weeks in that period.”

Regulation 45

14. Regulation 45 (other amounts to be disregarded)(f) shall be renumbered 45(1), and the following paragraph shall be added—

“(2) Where a grant for school meals for dependent children or a grant for meals for dependent children aged 3 or 4 is paid pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998(g) that payment shall be disregarded as income.”.

Regulation 46

15. Regulation 46 (treatment of student loans)(h) shall be amended as follows—

(a) S.I. 2000/1121.

(b) S.S.I. 2000/200.

(c) S.R.(N.I.) 2000 No. 213.

(d) Paragraph 3 of regulation 43 was substituted by S.I. 2000/531, regulation 17(b).

(e) S.I. 1999/1494.

(f) Regulation 45 was amended by S.I. 2000/531.

(g) 1998 c. 30.

(h) Regulation 46 was amended by S.I. 2000/531.

(a) for paragraph (1), substitute—

“(1) A student loan shall be treated as income unless it is a hardship loan, in which case it shall be disregarded.

(1A) For the purposes of paragraph (1) “hardship loan” means a loan made under regulation 21 of the Education (Student Support) Regulations 2000, regulation 12 of the Education (Student Loans) (Scotland) Regulations 2000 or regulation 21 of the Education (Student Support) Regulations (Northern Ireland) 2000.”;

(b) for paragraph (2), substitute—

“(2) In calculating the weekly amount of the loan to be taken into account as income—

(a) a loan which is payable in respect of a course that is of a single academic year’s duration or less shall be apportioned equally between the weeks in the period beginning with—

(i) the start of the single academic year; or

(ii) where the course is of less than an academic year’s duration, the first day of the course,

and ending with the last day of the course;

(b) a loan which is payable in respect of the final academic year of a course (not being a course of a single year’s duration) shall be apportioned equally between the weeks in the period beginning with the earlier of—

(i) the first day of the first benefit week in September; or

(ii) the first day of the first benefit week following the beginning of the autumn term,

and ending with the last day of the last benefit week before the last day of the course;

(c) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of—

(i) the first day of the first benefit week in September; or

(ii) the first day of the first benefit week following the beginning of the autumn term,

and ending with the last day of the last benefit week in June,

and in all cases, from the weekly amount so apportioned there shall be disregarded £10.”.

(c) in paragraph (5)—

(i) in sub-paragraph (a), for “£250” substitute “£255”, and

(ii) in sub-paragraph (b), for “£303” substitute “£311”.

Regulation 46A

16. After regulation 46 (treatment of student loans), insert—

“Treatment of payments from access funds

“46A.—(1) This regulation applies to payments from access funds that are not payments to which regulation 46B(2) and (3) apply.

(2) A payment from access funds, other than a payment to which paragraph (3) of this regulation applies, shall be disregarded as income.

(3) Subject to paragraph (4) of this regulation and paragraph 31 of Schedule 3, any payments from access funds which are intended and used for food, household fuel or rent or ordinary clothing or footwear (“rent” and “ordinary clothing or footwear” have the same meaning as in paragraph 12(2) of Schedule 3), of a single relevant person or any other member of his family, and any payments from access funds which are used for any council tax or water charges for which that relevant person or member is liable, shall be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made—

(a) on or after 1st September or the first day of the course, whichever first occurs,

but before receipt of any student loan in respect of the academic year beginning on 1st September and that payment is intended for the purpose of bridging the period until receipt of the student loan; or

- (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.

Income treated as capital

46B.—(1) Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.

(2) An amount paid from access funds as a single lump sum shall be treated as capital.

(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, household fuel or rent or ordinary clothing or footwear ("rent" and "ordinary clothing or footwear" have the same meaning as in paragraph 12(2) of Schedule 3), of a single relevant person or, as the case may be, of the relevant person or any other member of his family, or which is used for any council tax or water charges for which that relevant person or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of payment."

Schedule 1

17.—(1) In paragraph 1 of Part I of Schedule 1 (applicable amounts: personal allowances)(a), in the column headed "(2) Amount"—

- (a) in sub-paragraph (1)(a), for "£41.35" substitute "£42.00";
- (b) in sub-paragraph (1)(b), for "£52.20" substitute "£53.05";
- (c) in sub-paragraph (2)(a), for "£41.35" substitute "£42.00";
- (d) in sub-paragraph (2)(b), for "£52.20" substitute "£53.05";
- (e) in sub-paragraph (3)(a), for "£62.35" substitute "£63.35"; and
- (f) in sub-paragraph (3)(b), for "£81.95" substitute "£83.25";

(2) In paragraph 2 of Part I of Schedule 1, in the column headed "(2) Amount"—

- (a) in sub-paragraph (a), for "£26.60" substitute "£31.45"; and
- (b) in sub-paragraph (b), for "£31.75" substitute "£32.25".

(3) In paragraph 3(1) of Part II of Schedule 1 (applicable amounts: family premium, for "£14.25" substitute "£14.50".

(4) For paragraph 6 of Part III of Schedule 1 (applicable amounts: premiums) substitute the following paragraph—

“6.—(1) Subject to sub-paragraph (2), the following premiums, namely—

- (a) a severe disability premium to which paragraph 13 applies;
- (b) an enhanced disability premium to which paragraph 13A applies;
- (c) a disabled child premium to which paragraph 14 applies; and
- (d) a carer premium to which paragraph 15 applies,

may be applicable in addition to any other premium which may apply under this Schedule.

(2) An enhanced disability premium in respect of a person shall not be applicable in addition to—

- (a) a pensioner premium to which paragraph 8 or 9 applies; or
- (b) a higher pensioner premium to which paragraph 10 applies.”.

(5) After paragraph 13 of Part III of Schedule 1 insert the following paragraph—

“Enhanced disability premium

13A.—(1) Subject to sub-paragraph (2), the condition is that the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the 1992 Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the 1992 Act in respect of—

(a) Schedule 1 was amended by S.I. 1997/977, 1998/808, 1999/1523 and 2000/531.

- (a) the relevant person; or
- (b) a member of the relevant person’s family, who is aged less than 60.

(2) An enhanced disability premium shall not be applicable in respect of a child or young person whose capital, if calculated in accordance with Chapter IX of Part II of these Regulations in like manner as for the relevant person, except as provided in regulation 32(5), would exceed £6,000.”.

(6) In paragraph 18 of Part IV of Schedule 1 (applicable amounts: amounts of premiums specified in Part III), in the column headed “(2) Amount”—

- (a) in sub-paragraph (1)(a), for “£26.25” substitute “£39.10”;
- (b) in sub-paragraph (1)(b), for “£40.00” substitute “£57.30”;
- (c) in sub-paragraph (2)(a), for “£28.65” substitute “£39.10”;
- (d) in sub-paragraph (2)(b), for “£43.40” substitute “£57.30”;
- (e) in sub-paragraph (3)(a), for “£33.85” substitute “£39.10”;
- (f) in sub-paragraph (3)(b), for “£49.10” substitute “£57.30”;
- (g) in sub-paragraph (4)(a), for “£22.25” substitute “£22.60”;
- (h) in sub-paragraph (4)(b), for “£31.75” substitute “£32.25”;
- (i) in sub-paragraph (5)(a), for “£40.20” substitute “£41.55”;
- (j) in sub-paragraph (5)(b)(i), for “£40.20” substitute “£41.55”;
- (k) in sub-paragraph (5)(b)(ii), for “£80.40” substitute “£83.10”;
- (l) in sub-paragraph (6), for “£22.25” substitute “£30.00”; and
- (m) in sub-paragraph (7), for “£14.15” substitute “£24.40”;

(7) after paragraph 18(7), add the following sub-paragraph—

<i>Premium</i>	<i>Amount</i>
“(8) Enhanced disability premium.	<p>8.</p> <ul style="list-style-type: none"> (a) £11.05 in respect of each child or young person in respect of whom the conditions specified in paragraph 13A are satisfied; (b) £11.05 in respect of each person who is neither— <ul style="list-style-type: none"> (i) a child or young person; nor (ii) a member of a couple in respect of whom the conditions specified in paragraph 13A are satisfied; (c) £16.00 where the relevant person is a member of a couple and the conditions specified in paragraph 13A are satisfied in respect of a member of that couple.”.

Schedule 3

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

- (a) in paragraph 63(1)(a), for the words “an employment programme specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker’s Allowance Regulations” substitute “the self-employment route”;
- (b) at the end, add—

“**68.** Where the amount of a subsistence allowance paid to a person in a benefit week exceeds the amount of income-based jobseeker’s allowance that person would have received in that benefit week had it been payable to him, less 50p, that excess amount.

69. In the case of a relevant person participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the relevant person, being a fee, grant, loan or otherwise.”

(a) Paragraph 63 of Schedule 3 was added by S.I. 1999/1523.

Schedule 4

19. In Schedule 4 (capital to be disregarded)—

- (a) in paragraphs 8(3) and 54(a), in each case, for the words “an employment programme specified in regulation 75(1)(a)(ii)(aa)(ii) of the Jobseeker’s Allowance Regulations” substitute “the self-employment route”;
- (b) at the end, add—

“59. In the case of a relevant person participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the relevant person, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

60. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

61. Any payment made to a person under regulation 11 of the Social Security (Payments to Reduce Under-occupation) Regulations 2000(b), but only for a period of 52 weeks from the date of payment.

62. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—

- (a) the relevant person;
 - (b) the relevant person’s partner;
 - (c) the relevant person’s deceased spouse; or
 - (d) the relevant person’s partner’s deceased spouse;
- by the Japanese during the Second World War, £10,000”.

Application

20. The amendments made by these Regulations shall not have effect in relation to applications for grant made before the date on which these Regulations come into force.

Signed by authority of the Secretary of State
for the Environment, Transport and the Regions

2nd March 2001

Department of the Environment, Transport and the Regions

Nick Raynsford
Minister of State

We consent to the making of these Regulations

5th March 2001

Greg Pope
Jim Dowd
Two of the Lords Commissioners
of Her Majesty’s Treasury

(a) Paragraphs 8(3) and 54 of Schedule 4 were added by S.I. 1999/1523.
(b) S.I. 2000/637.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Renewal Grants Regulations 1996 (“the principal Regulations”). They make changes to the means test for determining the amount of renovation grant and disabled facilities grant which may be paid by local housing authorities in respect of applications by owner-occupiers and tenants, under Chapter I of Part I of the Housing Grants, Construction and Regeneration Act 1996.

Most of these amendments are consequential on changes to the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) upon which the means test is based. There are also minor and drafting amendments.

Regulation 4 amends regulation 8 of the principal regulations to remove doubt as to whether persons with whom children or young persons have been placed for fostering may be treated as responsible for them for the purposes of grant applications.

Regulation 5 increases the “applicable amount” of income that can be received without reduction in grant. Regulation 6 reduces the amount by which grant is reduced where the applicable amount is exceeded.

Regulation 6 provides that working families’ tax credit and disabled person’s tax credit can be taken into account in calculating the amount of allowable child-care charges for the purposes of the means test. Payments made to child-care providers approved by organisations accredited by the Secretary of State for Education and Employment become allowable under Regulation 7.

Regulation 8 ensures that participants in approved work, such as work trials or work placements, are not treated as being in paid employment for the purposes of the means test.

Regulation 9 changes the treatment of income attributed to children and young persons to reflect introduction of an enhanced disability premium and increased capital thresholds.

Regulations 10, 18 and 19 provide for special rules to be applied to subsistence allowances and discretionary payments made to participants in employment zone programmes established pursuant to section 60 of the Welfare Reform and Pensions Act 1999 (c. 30).

Regulation 11 increases the threshold at which capital is treated as generating a notional income from £5,000 to £6,000.

Several changes are made to the treatment of student income. Regulation 13(b) inserts provision for apportionment of grant income for the purposes of the means test. Under regulations 14 and 15 sums to cover school meals, and hardship loans, are to be disregarded. Disregards in respect of books, equipment and travel costs are increased by regulation 13(a). Payments from access funds are to be disregarded subject to rules set out in regulation 16.

Regulation 17 uprates the applicable amounts and premiums in Schedule 1 to the principal Regulations, and adds an enhanced disability premium.

Regulation 19 adds items to the list of sums to be disregarded as capital, namely, payments relating to employment zone programmes, lump sums paid to housing benefit claimants in certain areas to reduce under-occupation, and ex-gratia payments made in respect of internment by the Japanese in the Second World War.

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HOUSING, ENGLAND

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