

2003 No. 2504

HOUSING, ENGLAND

**The Housing Renewal Grants (Amendment) (England)
Regulations 2003**

<i>Made</i> - - - -	<i>23rd September 2003</i>
<i>Laid before Parliament</i>	<i>8th October 2003</i>
<i>Coming into force</i> - -	<i>29th October 2003</i>

The First Secretary of State, 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 with the consent of the Treasury, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Housing Renewal Grants (Amendment)(England) Regulations 2003.

(2) These Regulations shall come into force on 29th October 2003.

Application

2. These Regulations apply to applications for grant made on or after 29th October 2003 to local housing authorities in England.

Amendments

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

Regulation 2

4. In regulation 2(1) (interpretation)—

(a) after the definition of “the 1992 Act” insert—

(a) 1996 c. 53; the functions of the Secretary of State under these sections were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, to which there are amendments not relevant to these Regulations. Section 30 was amended by article 11 of and Schedule 3 to, the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002, SI 2002/1860 (“the 2002 Order”).

(b) S.I. 1996/2890, amended by S.I. 1996/3119, S.I. 1997/977, S.I. 1998/808, S.I. 1999/1523, S.I. 1999/2568, S.I. 2000/910, S.I. 2001/739, S.I. 2001/2384 and S.I. 2002/530.

- “adoption leave” means a period of absence from work on ordinary or additional adoption leave under section 75A or 75B of the Employment Rights Act 1996(a);”;
- (b) for the definition of “application” substitute—
“application”, without more, means an application for grant(b) other than an application to which section 31 applies(c) and “applicant” shall be construed accordingly;”;
- (c) after the definition of “child benefit” insert—
“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002;”(d);
- (d) omit the definition of “disabled person’s tax credit”;
- (e) after the definition of “disability living allowance” insert—
“dwelling” includes a qualifying houseboat and a qualifying park home;”(e);
- (f) after the definition of “the Fund” insert—
“guarantee credit” shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;”(f);
- (g) in the definition of “married couple” after “means” insert “, except in regulation 10(2)(aa), paragraph 12(b) of Schedule 2, paragraph 4(b) of Schedule 3 and paragraph 6(b) of Schedule 4,”;
- (h) after the definition of “partner” insert—
“parental leave” means maternity leave, paternity leave or adoption leave;
“paternity leave” means a period of absence from work on leave under section 80A or 80B of the Employment Rights Act 1996;”(g);
- (i) after the definition of “sports award” insert —
“state pension credit” has the same meaning as in the State Pension Credit Act 2002” (h);
- (j) in the definition of “unmarried couple” after “means” insert “, except in regulation 10(2)(aa) and paragraph 4(b) of Schedule 3”;
- (k) for the definition of “working families’ tax credit” substitute—
“working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002;”; and
- (l) after the definition of “war disablement pension” and “war widow’s pension” insert—
“war widower’s pension” means any widower’s pension or allowance granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947 or Part 7 or section 151 of the Reserve Forces Act 1980;”.

Regulation 5

5. In regulation 5 (definition of relevant person)—

- (a) omit paragraph (1);

(a) 1996 c. 18; sections 75A and 75B of this Act were inserted by section 3 of the Employment Act 2002 (c.22).
(b) For the meaning of “grant” *see*, section 1(6) of the Housing Grants Construction and Regeneration Act 1996 (“the 1996 Act”) as amended by paragraph 2 of Schedule 3 to the 2002 Order.
(c) Section 31 was amended by paragraph 12 to Schedule 3 to the 2002 Order.
(d) 2002 c. 21.
(e) For the meaning of “qualifying houseboat and qualifying park home” *see*, section 58 of the 1996 Act as amended by paragraph 25 of Schedule 3 to the 2002 Order.
(f) 2002 c. 16.
(g) Sections 80A and 80B of this Act were inserted by section 1 of the Employment Act 2002 (c.22).
(h) *See* section 1(1) of the State Pension Credit Act 2002.

- (b) in paragraph (2) for the words from “in respect” to “relevant person” substitute “a relevant person in respect of an application”; and
- (c) in paragraph (3) omit “sub-paragraph (a) or (b) of paragraph (1), or”.

Regulation 7

6. In regulation 7 (remunerative work) —

- (a) in paragraph (6), after “income support” insert “, state pension credit”; and
- (b) in paragraph (7) for “maternity leave” substitute “parental leave”.

Regulation 10

7. In regulation 10 (the applicable amount)(a)—

- (a) in paragraph (1)(b)—
 - (i) for “£52.27” substitute “£53.79”;
 - (ii) for “£67.95” substitute “£69.92”; and
 - (iii) omit “disabled facilities”; and
 - (b) in paragraph (2) after sub-paragraph (a) insert—
 - “(aa) as regards
 - (i) a relevant person who is in receipt of guarantee credit; and
 - (ii) those relevant persons who are members of a married or unmarried couple (within the meaning of the State Pension Credit Act 2002), the other member of which is in receipt of guarantee credit,
- is £1;”(b).

Regulation 12

8. In regulation 12 (reduction in amount of grant)—

- (a) in paragraph (1), for “owner-occupation certificate” substitute “owner’s certificate”;
- (b) in paragraph (2), after “tenant’s certificate” insert “or occupier’s certificate”(c).

Regulation 13

9. In regulation 13 (successive applications)—

- (a) in paragraph (2), omit “or section 32(4) of the Act (apportionment in tenants’ common parts application)”;
- (b) in paragraph (3)(a), omit “disabled facilities”, in the second place where these words appear; and
- (c) in paragraph (3)(b), after “tenant’s certificate” insert “or occupier’s certificate”.

Regulation 18

10. In regulation 18(1ZA) (determination of income on a weekly basis)(d), for “working families’ tax credit or disabled person’s tax credit” substitute “working tax credit or child tax credit”.

(a) Regulation 10 was amended by S.I. 1998/808, S.I. 2000/910, S.I. 2001/739 and S.I. 2002/530.

(b) 2002 c. 16; for the meaning of “married” or “unmarried” couple *see*, section 17(1) and (2)(a).

(c) For the meaning of “occupier’s certificate” *see*, section 22A of the 1996 Act, as inserted by paragraph 6 of Schedule 3 to the 2002 Order.

(d) Regulation 18 paragraph (1ZA) was inserted by S.I. 2001/739.

Regulation 19

11. In regulation 19 (treatment of child care charges)(a)—

(a) for paragraph (9) substitute—

“(9) For the purposes of paragraph (1) a person on parental leave shall be treated as if engaged in remunerative work for the period specified in sub-paragraph (b) (“the relevant period”) provided that—

- (a) in the week before the period of leave began the person was in remunerative work;
- (b) the relevant person incurred relevant child care charges in that week; and
- (c) the person on leave is entitled to parental support.

(9A) For the purposes of paragraph (9) the relevant period shall begin on the day on which the person’s parental leave commences and shall end on—

- (a) the date that leave ends;
 - (b) if no tax credit is in payment on the date that entitlement to parental support ends, the date that entitlement ends; or
 - (c) if a tax credit is in payment on the date that entitlement to parental support ends, the date that entitlement to that award of tax credit ends,
- whichever shall occur first.

(9B) In paragraphs (9) and (9A)—

(a) “parental support” means—

- (i) statutory maternity pay under section 164 of the 1992 Act,
- (ii) statutory paternity pay under section 171ZA or section 171ZB of that Act,
- (iii) statutory adoption pay under section 171ZA of that Act,
- (iv) maternity allowance under section 35 of that Act, and
- (v) income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987(b); and

(b) “tax credit” means—

- (i) working tax credit; and
- (ii) child tax credit.”; and

(b) in paragraph (10), for “woman on maternity leave” substitute “person on parental leave”.

Regulation 24

12. In regulation 24(1)(j) (earning of employed earners), for “maternity leave” substitute “parental leave”.

Regulation 30

13. In regulation 30 (capital treated as income)—

(a) at the end of paragraph (a), omit “and”; and

(b) after paragraph (b) add—

“; and

(c) any payment made in consequence of any personal injury to a relevant person pursuant to any agreement or court order, where such payments are to be made, wholly or partly, by way of periodical payments.”.

(a) Regulation 19 paragraph (9) was inserted by S.I. 2002/530.

(b) S.I. 1987/1967, amended by S.I. 1996/206 and S.I. 2003/455.

Regulation 31

14. In regulation 31 (notional income)—

- (a) omit paragraph (11); and
- (b) in paragraph (12), omit “and (11)”.

Regulation 40

15. In regulation 40 (determination of tariff income from capital)—

(a) for paragraph (1) substitute—

“(1) Where the relevant person’s capital determined in accordance with this Chapter and Chapters 4 to 8 exceeds £6000 it shall be treated as equivalent to a weekly tariff income of—

(a) where the relevant person is aged under 60, £1 for each complete £250 in excess of £6000; and

(b) where the relevant person is aged 60 or over, £1 for each complete £500 in excess of £6000.”;

(b) in paragraph (2), after “£250” insert “ or £500, as the case may be”.

Regulation 43

16. In regulation 43 (determination of grant income)(a)—

(a) in paragraph (3)(a)(b) for “£260” substitute “£270”;

(b) in paragraph (3)(b) for “£319” substitute “£340”; and

(c) after paragraph (3A)(d) add—

“(e) any grant paid under the Schedule to the Education (Assembly Learning Grant Scheme) (Wales) Regulations 2002; and

(f) any grant paid under regulation 15(7) of the Education (Student Support) (No. 2) Regulations 2002.”(c).

Schedule 1

17.—(1) In paragraph 1 of Schedule 1 (applicable amounts: personal allowances)(d) in the column headed “(2) Amount”—

(a) in sub-paragraph 1(a), for “£42.70” substitute “£43.25”;

(b) in sub-paragraph 1(b), for “£53.95” substitute “£54.65”;

(c) in sub-paragraph 2(a), for “£42.70” substitute “£43.25”;

(d) in sub-paragraph 2(b), for “£53.95” substitute “£54.65”;

(e) in sub-paragraph 3(a), for “£64.45” substitute “£65.30”; and

(f) in sub-paragraph 3(b), for “£84.65” substitute “£85.75”.

(2) In paragraph 2 of Schedule 1, in the column headed “(2) Amount”—

(a) in sub-paragraph (a), for “£33.50” substitute “£38.50”; and

(b) in sub-paragraph (b), for “£34.30” substitute “£38.50”.

(3) In paragraph 3 of Schedule 1 (applicable amounts: family premium)—

(a) in sub-paragraph (1), for “£14.75” substitute “£15.75”; and

(a) Regulation 43 was amended by S. I. 1998/808, S.I. 1999/1523, S.I. 2000/531, S.I. 2001/739 and S.I. 2002/530.

(b) Paragraph (3) was amended by S.I. 2000/531, S.I. 2001/739 and S.I. 2002/530.

(c) S.I. 2002/3200, S.I. 2002/1857, as amended by S.I. 2002/2814.

(d) Schedule 1 was amended by S.I. 1997/977, S.I. 1998/808, S.I. 1999/1523, S.I. 2000/531, S.I. 2001/739 and S.I. 2002/530.

(b) after sub-paragraph (2) add—

“(3) The amounts specified in sub-paragraphs (1) and (2) shall be increased by £10.45 where at least one child is under the age of one year and, for the purposes of this paragraph, where that child’s first birthday does not fall on a Monday he shall be treated as being under the age of one year until the first Monday after his first birthday.”

(4) In paragraph 12(1)(a)(i)(a) of Schedule 1 (applicable amounts: premiums) for “disabled person’s tax credit” substitute “the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002”(b).

(5) In paragraph 13 of Schedule 1 (severe disability premium)—

(a) in sub-paragraph (2)(a)(iii) and sub-paragraph (2)(b)(iii) for “an invalid care allowance” substitute “a carer’s allowance”; and

(b) in sub-paragraph (4)(b) and sub-paragraph (6) for “invalid care allowance” substitute “a carer’s allowance”.

(6) In paragraph 15 of Schedule 1 (carer premium) for “invalid care allowance” (wherever it occurs) substitute “a carer’s allowance”.

(7) In paragraph 18 of Schedule 1 (applicable amounts: amounts of premium specified in Part 3)—

(a) in the column headed “*Premium*” in sub-paragraph (5)(b)(i), for “an invalid care allowance” substitute “a carer’s allowance”.

(b) in the column headed “*Amount*”—

(i) in sub-paragraph (1)(a), for “£44.20” substitute “£47.45”;

(ii) in sub-paragraph (1)(b), for “£65.15” substitute “£70.05”;

(iii) in sub-paragraph (2)(a), for “£44.20” substitute “£47.45”;

(iv) in sub-paragraph (2)(b), for “£65.15” substitute “£70.05”;

(v) in sub-paragraph (3)(a), for “£44.20” substitute “£47.45”;

(vi) in sub-paragraph (3)(b), for “£65.15” substitute “£70.05”;

(vii) in sub-paragraph (3A), for “£21.55” substitute “£22.80”;

(viii) in sub-paragraph (4)(a), for “£23.00” substitute “£23.30”;

(ix) in sub-paragraph (4)(b), for “£32.80” substitute “£33.25”;

(x) in sub-paragraph (5)(a), for “£42.25” substitute “£42.95”;

(xi) in sub-paragraph (5)(b)(i), for “£42.25” substitute “£42.95”;

(xii) in sub-paragraph (5)(b)(ii), for “£84.50” substitute “£85.90”;

(xiii) in sub-paragraph (6), for “£35.50” substitute “£41.30”;

(xiv) in sub-paragraph (7), for “£24.80” substitute “£25.10”;

(xv) in sub-paragraph (8)(a)(c), for “£11.25” substitute “£16.60”;

(xvi) in sub-paragraph (8)(b), for “£11.25” substitute “£11.40”; and

(xvii) in sub-paragraph (8)(c), for “£16.25” substitute “£16.45”.

Schedule 2

18.—(1) In paragraph 5(1) of Schedule 2(d) (sums to be disregarded in the determination of earnings) for “invalid care allowance” (wherever it occurs) substitute “carer’s allowance”.

(a) Paragraph 12(1)(a)(i) was amended by S.I. 2002/530.

(b) S.I. 2002/2005.

(c) Paragraph 18(8) was inserted by S.I. 2001/739.

(d) Schedule 2 was amended by S.I. 1998/808 and S.I. 1999/2568.

(2) For paragraph 12 of that Schedule substitute—

“**12.** Where a relevant person—

(a) is in receipt of income support, income-based jobseeker’s allowance or guarantee credit; or

(b) is a member of a married or unmarried couple (within the meaning of the State Pension Credit Act 2002) and the other member of that couple is in receipt of guarantee credit,

his earnings.” (a).

(3) For paragraph 18(b) of that Schedule substitute—

“**18.**—(1) In a case where the relevant person is a person who satisfies at least one of the conditions specified in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10 of this Schedule shall be increased by a sum equal to the 30 hour element of working tax credit referred to in regulation 20(1)(c) of the Working Tax Credit Regulations.

(2) The conditions are that—

(a) the relevant person, or if he is a member of a couple, either the relevant person or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies;

(b) the relevant person is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week;

(c) the relevant person is a member of a couple and —

(i) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week;

(ii) the aggregate number of hours for which the couple are engaged in remunerative work is at least 30 hours per week; and

(iii) his applicable amounts includes a family premium under paragraph 3 of Schedule 1;

(d) the relevant person is a lone parent who is engaged in remunerative work for on average not less than 30 hours per week;

(e) the relevant person is, or if he is a member of a couple, at least one member of that couple is or both members are, engaged in remunerative work for on average not less than 30 hours per week and—

(i) the relevant person’s applicable amount includes a higher pensioner premium or a disability premium under paragraph 10 or 11 of Schedule 1 respectively; and

(ii) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the higher pensioner premium or disability premium referred to in paragraph (i) above and is engaged in remunerative work for on average not less than 16 hours per week.

(3) The following are the amounts referred to in sub-paragraph (1)—

(a) the amount calculated as disregardable from the relevant person’s earnings under paragraphs 3 to 10 of this Schedule;

(b) the amount of child care charges calculated as deductible under regulation 18(1) of these Regulations; and

(c) the amount of the 30 hour element referred to in regulation 20(1)(c) of the Working Tax Credit Regulations.

(a) 2002 c.16.

(b) Paragraph 18 was inserted by S.I. 1999/2568.

(4) The provisions of regulation 4 of the Working Tax Credit Regulations shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that regulation were a reference to 30 hours.

(5) In this paragraph “the Working Tax Credit Regulations” means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002.” (a).

Schedule 3

19.—(1) Schedule 3(b) (sums to be disregarded in the determination of income other than earnings) is amended as follows.

(2) For paragraph 4 substitute—

“4. Where a relevant person—

(a) is in receipt of income support, income-based jobseeker’s allowance or guarantee credit; or

(b) is a member of a married or unmarried couple (within the meaning of the State Pension Credit Act 2002) and the other member of that couple is in receipt of guarantee credit,

the whole of his income.”.

(3) In paragraph 6, after sub-paragraph (d) add —

“or;

(e) state pension credit”.

(4) In paragraph 13—

(a) for sub-paragraph (b) substitute “a war widow or war widower’s pension”;

(b) in sub-paragraph (c), for “a pension payable to a person as a widow under the” substitute “a pension payable to a person as a widow or widower under the”.

(5) In paragraph 51 after “pensions to widows” insert “and widowers”.

(6) In paragraph 52 after “pensions to widows” insert “and widowers”.

(7) In paragraph 53—

(a) in sub-paragraph (1)(a), after “to a widow” insert “or a widower”.

(b) in sub-paragraph (1)(b), after “pensions to widows” insert “and widowers”.

(8) For paragraph 54 substitute—

“54. Except in a case which falls under paragraph 18 of Schedule 2 to these Regulations, where the relevant person is entitled to the 30 hour element of working tax credit referred to in regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, any amount of working tax credit up to the amount specified for that element in Schedule 2 to those Regulations.”.

(9) Omit paragraph 55.

(10) After paragraph 70 add—

“71. Any payment—

(a) from a trust whose funds are derived from a payment made in consequence of any personal injury to a relevant person;

(b) under an annuity purchased—

(i) pursuant to any agreement or court order to make payments to a relevant person; or

(a) S.I. 2002/2005, as amended by S.I. 2003/701.

(b) Schedule 3 was amended by S.I. 1999/1523, S.I. 1999/2568, S.I. 2000/531, S.I. 2002/530 and other Regulations not relevant to these Regulations.

- (ii) from funds derived from a payment made, in consequence of any personal injury to a relevant person; and
- (c) (not falling within (a) and (b) above) received by virtue of any agreement or court order to make payments to a relevant person in consequence of any personal injury to that person.”.

Schedule 4

20.—(1) For paragraph 6 of Schedule 4 substitute—

“**6.** Where a relevant person—

(a) is in receipt of income support, income-based jobseeker’s allowance or guarantee credit; or

(b) is a member of a married or unmarried couple (within the meaning of the State Pension Credit Act 2002) and the other member of that couple is in receipt of guarantee credit,

the whole of his capital.”.

(2) In paragraph 9 of that Schedule (**a**) (capital to be disregarded)—

(a) in sub-paragraph (b), after “Family Income Supplements Act 1970” insert “, working families’ tax credit under section 128 of the 1992 Act, disabled person’s tax credit under section 129 of that Act”;

(b) after sub-paragraph (e) add—

“(f) working tax credit and child tax credit where such payment is made as a result of a change of circumstances.”.

Signed by authority of the First Secretary of State

23rd September 2003

Keith Hill
Minister of State,
Office of the Deputy Prime Minister

We consent to the making of the Regulations

John Heppell

Joan Ryan

Two of the Lords Commissioners of Her Majesty’s Treasury

23rd September 2003

(**a**) Paragraph 9 of Schedule 4 was amended by S.I. 2002/530.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Renewal Grants Regulations 1996 (“the 1996 Regulations”) which set out the means test for determining the amount of grant which may be paid by local housing authorities under Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996 (“the 1996 Act”).

The amendments are mainly consequential on changes to the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) upon which the means test is based. They also take into account amendments made to the 1996 Act by the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 (S.I. 2002/1860) (“the 2002 Order”) and new tax credits introduced by the Tax Credits Act 2002 and the State Pension Credit Act 2002. The major changes are as follows—

Regulation 2 provides new definitions in the 1996 Regulations.

Regulation 6 amends regulation 7 of the 1996 Regulations to include those in receipt of state pension credit and those on paternity leave or adoption leave in provisions relating to when a person is treated as not being in remunerative work..

Regulation 7 increases the amounts specified in regulation 10 of the 1996 Regulations, so increasing the applicable amount (which partly determines the amount of grant payable). This regulation also amends regulation 10 to deal with the introduction of guarantee credits under the State Pension Credit Act 2002.

Regulation 8 amends regulation 12 of the 1996 Regulations to bring them into line with section 21 of the 1996 Act and amendments made to that section by the 2002 Order.

Regulation 11 replaces paragraph (9) in regulation 19 of the 1996 Regulations with a new paragraph to provide for paternity leave and adoption leave and the new tax credits in the treatment of child care charges.

Regulation 13 amends regulation 30 of the 1996 Regulations to provide that any payment made pursuant to any agreement or court order in consequence of personal injury which is to be paid by periodical payments shall be treated as income rather than capital.

Regulation 15 amends regulation 40 of the 1996 Regulations by introducing a new weekly tariff income for persons aged 60 and over.

Regulation 16 increases the amounts specified in regulation 43 of the 1996 Regulations as sums to be excluded from a student’s grant income where the student does not have a student loan. This regulation also adds items to the list of grants which are to be excluded from a student’s grant income.

Regulation 17 updates the applicable amounts and premiums in Schedule 1 to the 1996 Regulations.

Regulation 18 substitutes new paragraphs 12 and 18 in Schedule 2 to the 1996 Regulations to deal, respectively, with the introduction of guarantee credit and of working tax credit.

Regulations 19 and 20 make substitutions in Schedules 3 and 4 to deal with the introduction of guarantee credit and working tax credit. Regulation 19 also adds a new paragraph 71 to Schedule 3 in respect of payments made to a relevant person in consequence of personal injury.

STATUTORY INSTRUMENTS

2003 No. 2504

HOUSING, ENGLAND

**The Housing Renewal Grants (Amendment) (England)
Regulations 2003**

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