
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 315

HOUSING

**Housing Renovation etc. Grants (Reduction of Grant)
(Amendment) Regulations (Northern Ireland) 2001**

Made - - - - 4th September 2001

Coming into operation 15th October 2001

The Department for Social Development⁽¹⁾, in exercise of the powers conferred by Article 47 of the Housing (Northern Ireland) Order 1992⁽²⁾ and now exercisable by it⁽³⁾ and of every other power enabling it in that behalf, with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 15th October 2001.

Amendments

2. The Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1997⁽⁴⁾ are amended in accordance with regulations 3 to 17.

Regulation 2

3. In regulation 2(1) (interpretation), 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;”.

Regulation 7

4. In paragraph 2 of regulation 7 (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

(1) S.I. 1999/283 (N.I. 1) Article 3(1)

(2) S.I. 1992/1725 (N.I. 15)

(3) S.R. 1999 No. 481 Article 6(e) and Schedule 4 Part V

(4) S.R. 1997 No. 456 as amended by S.R. 1998 No. 396, S.R. 1999 No. 387 and S.R. 2000 Nos. 62 and 325

is in that position, with whom he has been placed under Article 27(2) of the Children (Northern Ireland) Order 1995⁽⁵⁾.”

Regulation 9

5. In paragraph (1) of regulation 9 (the applicable amount)⁽⁶⁾, in sub-paragraph (b), for “£50” substitute “£51·60” and for “£65” substitute “£67·08”.

Regulation 17

6. In regulation 17 (determination of income on a weekly basis)⁽⁷⁾—

(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) there shall be inserted the following paragraph—

“(1ZA) The conditions of this paragraph are that—

(a) the relevant person’s average weekly earnings 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 18

7. In paragraph (7) of regulation 18 (treatment of child care charges)⁽⁸⁾—

(a) in 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 for Education and Employment under the scheme established by the Tax Credit (New Category of Child Care Provider) Regulations 1999⁽⁹⁾.”

Regulation 30

8. In paragraph (7A) of regulation 30 (notional income)⁽¹⁰⁾—

(a) in sub-paragraph (a), after the word “if” insert the words “the Executive is satisfied that”;

(b) at the end of sub-paragraph (b)(i), omit the word “or”; and

(c) after sub-paragraph (b)(ii) add—

“; or

(5) S.I. 1995/755 (N.I. 2)

(6) Regulation 9 was amended by S.R. 1998 No. 396 and S.R. 2000 No. 325

(7) Regulation 17 was amended by S.R. 1998 No. 396 and S.R. 2000 No. 325

(8) Regulation 18 was amended by S.R. 2000 No. 62

(9) S.I. 1999/3110

(10) Regulation 30 was amended by S.R. 1998 No. 396, S.R. 1999 No. 387 and S.R. 2000 No. 325

- (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 31

- 9. In regulation 31 (modification in respect of child and young person)—
 - (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 39

- 10. In paragraph (1) of regulation 39 (determination of tariff income from capital), for “£5,000” substitute “£6,000”.

Regulation 40

- 11. In regulation 40 (interpretation)(11)—
 - (a) before the definition of “contribution”, insert
 - ““access funds” means—
 - (a) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993(12), or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997(13) 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) grants made under section 7 of the Further and Higher Education Act 1992(14) and described as “learner support funds” or grants made under section 68 of that Act and described as “access bursary funds” or “hardship funds”;
 - (c) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980(15);”;
 - (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—

(11) Regulation 40 was amended by S.R. 1999 No. 387 and S.R. 2000 No. 325

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

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

(14) 1992 c. 13

(15) 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)

““qualifying course” has the meaning given in regulation 17A(7) of the Jobseekers 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 (Northern Ireland) 2000⁽¹⁶⁾, regulation 5(2) of the Education (Student Support) Regulations 2000⁽¹⁷⁾, or regulation 5(2) of the Education (Student Loans) (Scotland) Regulations 2000⁽¹⁸⁾ 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 42

12. In regulation 42 (determination of grant income)—

(a) in paragraph (3)⁽¹⁹⁾—

- (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 6 to the Students Awards Regulations (Northern Ireland) 2000⁽²⁰⁾ 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 44(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 shall be excluded and the student’s grant income shall be apportioned equally between the remaining weeks in that period.”.

⁽¹⁶⁾ S.R. 2000 No. 213

⁽¹⁷⁾ S.I. 2000/1121

⁽¹⁸⁾ S.S.I. 2000/200

⁽¹⁹⁾ Paragraph 3 of regulation 42 was substituted by S.R. 2000 No. 325, regulation 14(b)

⁽²⁰⁾ S.R. 2000 No. 311

Regulation 44

13. Regulation 44 (other amounts to be disregarded)(**21**), shall be renumbered 44(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 Articles 3 or 8(4) of the Education (Student Support) (Northern Ireland) Order 1998(**22**), that payment shall be disregarded as income.”.

Regulation 45

14. Regulation 45 (treatment of student loans)(**23**) shall be amended as follows—

(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 (Northern Ireland) 2000, regulation 21 of the Education (Student Support) Regulations 2000 or regulation 12 of the Education (Student Loans) (Scotland) Regulations 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.”.

(21) Regulation 44 was amended by [S.R. 2000 No. 325](#)

(22) [S.I. 1998/1760 \(N.I. 14\)](#)

(23) Regulation 45 was amended by [S.R. 2000 No. 325](#)

- (c) in paragraph (5)—
- (i) in sub-paragraph (a), for “£250” substitute “£255”, and
 - (ii) in sub-paragraph (b), for “£303” substitute “£311”.

Regulation 45A and 45B

15. After regulation 45 (treatment of student loans), insert—

“Treatment of payments from access funds

45A.—(1) This regulation applies to payments from access funds that are not payments to which regulation 45B(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 34 of Schedule 3, any payments from access funds which are intended and used for food, ordinary clothing or footwear, household fuel, eligible rates or rent (“ordinary clothing or footwear” and “eligible rates or rent” have the same meaning as in paragraph 12(2) of Schedule 3), of a single relevant person or any other member of his family, 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 1 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

45B.—(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, ordinary clothing or footwear, household fuel, eligible rates or rent (“ordinary clothing or footwear” and “eligible rates or rent” 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 shall be disregarded as capital but only for a period of 52 weeks from the date of payment.”.

Schedule 1

16.—(1) In paragraph 1 of Part I of Schedule 1 (applicable amounts: personal allowances)(24), 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”;

(24) Schedule 1 was amended by S.R. 1998 No. 396, S.R. 1999 No. 387 and S.R. 2000 No. 325

- (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) there shall be substituted 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 111(3) 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) 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 VI of Part IV of these Regulations in like manner as for the relevant person, except as provided in regulation 31 (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”;

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- (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), there shall be added to the table the following sub-paragraph—

<i>“Premium</i>	<i>Amount</i>
Enhanced disability premium.	<ul style="list-style-type: none"> (a) (8) £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 4

17. In Schedule 4 (capital to be disregarded), at the end, add—

“58. Where an ex-gratia payment of £10,000 has been made by the Secretary of State for Defence 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.

59.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to the relevant person or a member of the relevant person’s family who is—

- (a) a diagnosed person;
- (b) the diagnosed person’s partner or the person who was the diagnosed person’s partner at the date of the diagnosed person’s death;

- (c) a parent of a diagnosed person, a person acting in the place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to—
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph 1(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 19,whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to the relevant person or a member of a relevant person's family who is—
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in the place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

- (4) Where a payment as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 19,

whichever is the latest.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) being a member of the diagnosed person's family; or
- (c) acting in the place of the diagnosed person's parents,

at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person being in residential accommodation, a residential care home or a nursing home on that date.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State for Health in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“residential accommodation”, “residential care home” and “nursing home” shall have the same meanings as for the purposes of the Income Support (General) Regulations (Northern Ireland) 1987⁽²⁵⁾;

“trust payment” means a payment under a relevant trust.

60. Any ex-gratia payment made by the Secretary of State for Northern Ireland to members of the families of the disappeared, but only for a period of 52 weeks from the date of receipt of that payment.”

Application

18. 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.

Sealed with the Official Seal of the Department for Social Development on 4th September 2001.

L.S.

D. Crothers
A senior officer of the
Department for Social Development

⁽²⁵⁾ S.R. 1987 No. 459. The definition of a residential care home was inserted by paragraph 1(3)(a) of Schedule 1 to S.R. 1993 No. 149

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The Department of Finance and Personnel hereby consents to the foregoing Regulations
Sealed with the Official Seal of the Department of Finance and Personnel on 4th September 2001.

L.S.

W. Pauley
A senior officer of the
Department of Finance and Personnel

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Housing Renovation etc. Grants (Reduction of Grant) Regulations (Northern Ireland) 1997 (“the principal Regulations”) which set out the means test for determining the amount of renovation grant and disabled facilities grant which may be paid by the Housing Executive to owner-occupier and tenant applicants under Chapter I of Part III of the Housing (Northern Ireland) Order 1992.

Most of these amendments are consequential on changes to the Housing Benefit (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 461).

Regulation 3 is interpretive.

Regulation 4 amends regulation 7 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 amends regulation 9 of the principal Regulations to increase the “applicable amount” of income that can be received without reduction in grant.

Regulation 6 amends regulation 17 of the principal Regulations to provide that working families' tax credit and disabled person's tax credit shall be taken into account in calculating the amount of allowable child care charges for the purposes of the means test.

Regulation 7 amends regulation 18 of the principal Regulations to provide that payments made to child care providers approved by organisations accredited by the Secretary of State for Education and Employment shall be allowable for the purposes of the means test.

Regulation 8 amends regulation 30 of the principal Regulations to give the Housing Executive discretion to decide if it is reasonable for a person engaged by a charitable or voluntary organisation to provide his services free, and to ensure that participants in certain employment and training programmes shall not be treated as being in paid employment for the purposes of the means test.

Regulation 9 amends regulation 31 of the principal Regulations to change the treatment of income attributed to children and young persons to reflect the introduction of an enhanced disability premium and increased capital thresholds.

Regulation 10 amends regulation 39 of the principal Regulations to increase the threshold at which capital is treated as generating a notional income from £5,000 to £6,000.

Regulation 11 amends regulation 40 of the principal Regulations to:

- define “access funds” and “qualifying course”, and
- amend the definitions of “grant”, “sandwich course”, “student”, and “course of study”.

Regulation 12 amends regulation 42 of the principal Regulations to:

- increase the amounts representing travel costs and books/equipment which are disregarded when calculating a student's grant income, and
- provide for the apportioning of a student's grant income for the purposes of the means test.

Regulation 13 amends regulation 44 of the principal Regulations so that certain grants for children's meals will be disregarded for the purposes of the means test.

Regulation 14 amends regulation 45 of the Principal Regulations to:

- make provision for hardship loans to be disregarded for the purposes of the means test;

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- make provision for calculating the weekly amount of student loans for the purposes of the means test, and
- increase the amounts representing travel costs and books/equipment which are disregarded when calculating a student’s loan income for the purposes of the means test.

Regulation 15 inserts in the principal Regulations new regulations 45A and 45B which set out the circumstances in which payments from access funds are to be disregarded or treated as capital.

Regulation 16 amends Schedule 1 to the principal Regulations to uprate the applicable amounts and premiums, and to add an enhanced disability premium.

Regulation 17 amends Schedule 4 to the principal Regulations to provide that the following shall be disregarded as capital for the purposes of the means test:

- payments made by the War Pensions Agency in respect of persons imprisoned by the Japanese during the Second World War;
- payments from trusts established by the Department of Health in respect of persons who suffered, or are suffering, from variant Creutzfeldt-Jakob disease (vCJD), and certain payments made by, or out of the estate of, persons receiving such payments;
- payments made by the Northern Ireland Office to the families of the “disappeared” (this disregard is time-limited to 52 weeks from receipt of the payment).

Regulation 18 makes transitional provisions.