
STATUTORY INSTRUMENTS

1991 No. 897

HOUSING, ENGLAND AND WALES

The Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations 1991

<i>Made</i>	- - - -	<i>28th March 1991</i>
<i>Laid before Parliament</i>		<i>10th April 1991</i>
<i>Coming into force</i>	- -	<i>1st May 1991</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, commencement and interpretation

1. These Regulations, which may be cited as the Housing Renovation etc. Grants (Reduction of Grant) (Amendment) Regulations 1991, shall come into force on 1st May 1991, and in these Regulations “the principal Regulations” means the Housing Renovation etc. Grants (Reduction of Grant) Regulations 1990⁽²⁾.

Amendment of Regulations

2.—(1) The principal Regulations are amended in accordance with this regulation.

(2) In regulation 2 (interpretation), the following definition is inserted after the definition of “war widow’s pension”–

““water charges” means–

- (a) as respects England and Wales, any water and sewerage charges under Chapter IV of Part II of the Water Act 1989,
- (b) as respects Scotland, any water and sewerage charges under Schedule 5 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987,

in so far as such charges are in respect of the dwelling which a person occupies as his only or main residence;”⁽³⁾

(1) 1989 c. 42.
(2) S.I.1990/1189.
(3) 1989 c. 15, 1987 c. 47.

(3) In regulation 4 (definition of non-dependant), for sub-paragraph (e) of paragraph (2) the following sub-paragraph is substituted—

“(e) subject to paragraph (3)—

- (i) any person who is liable to make payments on a commercial basis to the relevant person or the relevant person’s partner in respect of the occupation of the dwelling,
- (ii) any person to whom or to whose partner the relevant person or the relevant person’s partner is liable to make payments on a commercial basis in respect of the occupation of the dwelling, or
- (iii) any other member of the household of the person to whom or to whose partner the relevant person or the relevant person’s partner is liable to make payments on a commercial basis in respect of the occupation of the dwelling;”.

(4) In regulation 8 (the applicable amount), for “£20” in paragraph (b) there is substituted “£22”.

(5) In regulation 10 (reduction in amount of grant) for “51.54” in paragraph (a) there is substituted “53.35” and for “34.62” in paragraph (b) there is substituted “35.37”.

(6) In regulation 16 (determination of income on a weekly basis) for paragraph (2) the following paragraph is substituted—

“(2) For the purposes of paragraph (1) “income” includes income to which regulations 27 (capital treated as income), 28 (notional income) and 42A (treatment of student loans) refer.”

(7) In regulation 22 (determination of net earnings of employed earners) for “1 to 11” in paragraph (2) there is substituted “1 to 12”.

(8) In regulation 23 (earnings of self-employed earners) after the words “Employment and Training Act 1973(a)” there are inserted the words “or section 2 of the Enterprise and New Towns (Scotland) Act 1990”(4)

(9) In regulation 24 (determination of net profit of self-employed earners) for “1 to 11” in paragraph (2) there is substituted “1 to 12”.

(10) In regulation 28 (notional income), in sub-paragraph (a) of paragraph (3) for the words from “eligible rates” to the end there are substituted the words “eligible rent to which regulation 10 of the Housing Benefit (General) Regulations 1987(c) refers, community charge or water charges, of that single person or, as the case may be, of any member of that family”(5)

(11) In regulation 35 (notional capital), in sub-paragraph (a) of paragraph (3) for the words from “eligible rates” to the end there are substituted the words “eligible rent to which regulation 10 of the Housing Benefit (General) Regulations 1987 refers, community charge or water charges, of that single person or, as the case may be, of any member of that family”.

(12) In Part V of the principal Regulations (students)—

- (a) in regulation 38 (interpretation), in the definition of “grant” at the end are added the words “but does not include a payment derived from funds made available by the Secretary of State for the purpose of assisting students in financial difficulties under section 100 of the Education Act 1944, sections 131 and 132 of the Education Reform Act 1988 or section 73 of the Education (Scotland) Act 1980”(6)
- (b) in regulation 40 (determination of grant income) for “£234” in sub-paragraph (g) of paragraph (2) there is substituted “£246”;
- (c) after regulation 42, the following regulation is inserted—

(4) 1990 c. 35.

(5) S.I. 1987/1971; regulation 10 was amended by S.I. 1988/1971, 1990/546.

(6) 1944 c. 31; section 100(1)(b) was amended by section 213(3) of the Education Reform Act 1988 (c. 40)/1988 c. 40.

“Treatment of student loans

42A.—(1) A loan which is made to a student pursuant to arrangements made under section 1 of the Education (Student Loans) Act 1990 or article 3 of the Education (Student Loans) (Northern Ireland) Order 1990 shall be treated as income.

(2) Any loan for which a student is eligible under the arrangements mentioned in paragraph (1) but which has not been acquired by him shall be treated as possessed by him and paragraph (1) shall apply accordingly; and for the purposes of this paragraph the loan for which a student is eligible is the maximum amount payable to him under those arrangements.”(7)

(13) In Schedule 1 to the principal Regulations (applicable amounts)—

(a) in Part I (personal allowances), for the amounts specified in column (2) of paragraph 1 the following amounts are substituted—

“(1)	(a)	£31.15;
	(b)	£39.65.
(2)	(a)	£31.15;
	(b)	£39.65.
(3)	(a)	£47.30;
	(b)	£62.25.”;

(b) in Part I, for the amounts specified in column (2) of paragraph 2 the following amounts are substituted—

“(a)	£13.35;
(b)	£19.75;
(c)	£23.65;
(d)	£31.15.”;

(c) in Part II (family premium), for “£7.35” in paragraph 3 there is substituted “£7.95”;

(d) in Part III (premiums)—

- (i) in paragraph 4 for the reference “7 to 14” there is substituted the reference “7 to 14A”,
- (ii) in paragraph 6(2) for the words “The disabled child premium to which paragraph 14 applies” there are substituted the words “The disabled child premium and the carer premium to which paragraphs 14 and 14A respectively apply”,
- (iii) in paragraph 11 in sub-paragraph (a) the word “person” is inserted after the words “a single” and for the words “in paragraph 12(1)(a)” in sub-paragraph (b)(ii) there are substituted the words “in paragraph 12(1)(a) or (b)”,
- (iv) in paragraph 12, in sub-paragraph (1)(b) the words “or of his partner” are inserted after the words “relevant person” and for the word “he” there is substituted the word “either”,

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- (v) in paragraph 12, in sub-paragraph (4) after the words “Employment and Training Act 1973(e)” there are inserted the words “or section 2 of the Enterprise and New Towns (Scotland) Act 1990”(4),
- (vi) in paragraph 12, in sub-paragraphs (3), (4) and (5) the word “relevant” is omitted,
- (vii) after paragraph 14 the following paragraph is inserted–

“Carer premium

14A.—(1) The condition is that the relevant person or his partner is, or both of them are, in receipt of invalid care allowance under section 37 of the 1975 Act.

(2) If a relevant person or his partner, or both of them, would be in receipt of invalid care allowance but for the provisions of the Social Security (Overlapping Benefits) Regulations 1979, where–

- (a) the claim for that allowance was made on or after 1st May 1991, and
- (b) the person or persons in respect of whose care the allowance has been claimed remains or remain in receipt of attendance allowance,

he or his partner, or both of them, as the case may be, shall be treated for the purposes of sub-paragraph (1) as being in receipt of invalid care allowance.”(8);

- (e) in Part IV (amounts of premiums specified in Part III), paragraph 16 is re-numbered paragraph 17 and for the amounts specified in Part IV the following amounts are substituted–

“(1)	£10.05.	
(2)	(a)	£13.75;
	(b)	£20.90.
(3)	(a)	£15.55;
	(b)	£23.35.
(4)	(a)	£18.45;
	(b)	£26.20.
(5)	(a)	£16.65;
	(b)	£23.90.
(6)	(a)	£31.25;
	(b)	(i) £31.25;
		(ii) £62.50.
(7)		£16.65”;

- (f) the following sub-paragraph is inserted at the end of Part IV–

(4) 1990 c. 35.

(8) Section 37 was amended by the Social Security Act 1986 (c. 50), section 37(1) and Schedule 11 and by the Social Security Act 1989 (c. 24), Schedule 7, paragraph 10; S.I. 1979/597.

“(8) Carer premium (8) £10.80
in respect of each person who satisfies the condition specified in paragraph 14A.”

(14) In Schedule 2 to the principal Regulations (sums to be disregarded in the determination of earnings), the following paragraph is substituted for paragraph 4–

“4. If an amount by way of a lone parent premium under Schedule 1 is or, but for any pensioner premium, higher pensioner premium or disability premium being applicable to him, would be included in the determination of the relevant person’s applicable amount, £25.”

(15) In Schedule 3 to the principal Regulations (sums to be disregarded in the determination of income other than earnings)–

(a) the following paragraph is substituted for paragraph 11–

“11. In the case of a relevant person attending a course at an employment rehabilitat centre established under section 2 of the Employment and Training Act 1973(f) or participating in arrangements for training made under that section or under section 2 of the Enterprise and New Towns (Scotland) Act 1990–

- (a) any travelling expenses reimbursed to the relevant person;
- (b) if he receives an allowance under section 2(2)(d) of the former Act or under section 2(4)(c) of the latter Act, such amount, if any, of that allowance expressed to be a living away from home allowance;
- (c) any training premium,

but this paragraph, except in so far as it relates to a payment under sub-paragraph (a), (b) or (c), does not apply to any part of any allowance under the said section 2(2)(d) or the said section 2(4)(c).”(4);

(b) the following paragraph is substituted for paragraph 13–

“13.—(1) Except where sub-paragraph (2) applies and subject to sub-paragraph (3) and paragraphs 33 and 34, £10 of any charitable payment or of any voluntary payment made or due to be made at regular intervals.

(2) Subject to sub-paragraph (3) and paragraph 34, any charitable payment or voluntary payment made or due to be made at regular intervals which is intended and used for an item other than food, ordinary clothing or footwear, household fuel, eligible rent to which regulation 10 of the Housing Benefit (General) Regulations 1987(b) refers, community charges or water charges of a single relevant person or, as the case may be, of the relevant person or any other member of his family.

(3) Sub-paragraphs (1) and (2) shall not apply to a payment which is made by a person for the maintenance of any member of his family or of his former partner or of his children.

(4) For the purposes of sub-paragraph (1) where a number of charitable or voluntary payments fall to be taken into account in any one week they shall be treated as though they were one such payment.

(5) For the purposes of sub-paragraph (2) the expression “ordinary clothing or footwear” has the same meaning as in regulation 28(8).”(9);

(c) in paragraph 14, the following sub-paragraph is added at the end–

(4) 1990 c. 35.

(9) S.I. 1987/1971; regulation 10 was amended by S.I. 1988/1971, 1990/546.

“(d) loan treated as income by virtue of regulation 42A.”;

(d) the following paragraphs are added after paragraph 43–

“44.—(1) Any payment or repayment made–

(a) as respects England and Wales, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (travelling expenses and health service supplies);

(b) as respects Scotland, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988 (travelling expenses and health service supplies);

(2) Any payment or repayment made by the Secretary of State for Health, the Secretary of State for Scotland or the Secretary of State for Wales, which is analogous to a payment or repayment mentioned in sub-paragraph (1).

45. Any payment made under regulations 9 to 11 or regulation 13 of the Welfare Food Regulations 1988 (payments made in place of milk tokens or the supply of vitamins).

46. Any payment made by either the Secretary of State for the Home Department or by the Secretary of State for Scotland under a scheme established to assist relatives and other persons to visit persons in custody.”(10).

(16) In Schedule 4 to the principal Regulations (capital to be disregarded)–

(a) in paragraph 5(a) for the words “any member of” there are substituted the words “a relevant person who is single or of any member of”;

(b) in paragraph 8 the following sub-paragraph is added–

“(2) The assets of any business owned in whole or in part by the relevant person where–

(a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but

(b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business.”;

(c) the following paragraph is substituted for paragraph 14–

“14.—(1) Subject to sub-paragraph (2), where the funds of a trust are derived from a payment made in consequence of any personal injury to the relevant person, the value of the trust fund and the value of the right to receive any payment under that trust.

(2) Any value to which sub-paragraph (1) applies shall be disregarded under this paragraph to the extent only that it does not represent funds or a payment which are for carrying out works to which the application relates.”;

(d) in paragraph 16 for the reference “paragraph 9 of Schedule 2” there is substituted the reference “paragraph 11 of Schedule 2”;

(e) in paragraph 22 for the words “(capital treated as income)” there are substituted the words “or 42A (capital treated as income and treatment of student loans)”;

(f) in paragraph 32, after the words “Secretary of State)” there are inserted the words “or under section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to

(10) S.I. 1988/551, 1988/546; relevant amending instruments are S.I. 1990/551, 1991/575; S.I. 1988/536; the relevant amending instrument is S.I. 1990/3.

training for employment etc.)” (4) and for the words “that section” at the end there are substituted the words “section 2(4)(c)”;

(g) the following paragraphs are added after paragraph 36–

“37. Any arrears of special war widows payment which is disregarded under paragraph 42 of Schedule 3 (sums to be disregarded in the determination of income other than earnings).

38.—(1) Any payment or repayment made–

- (a) as respects England and Wales, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (travelling expenses and health service supplies);
- (b) as respects Scotland, under regulation 3, 5 or 8 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988 (travelling expenses and health service supplies).

(2) Any payment or repayment by the Secretary of State for Health, the Secretary of State for Scotland or the Secretary of State for Wales which is analogous to a payment or repayment mentioned in sub-paragraph (1).

39. Any payment made under regulations 9 to 11 or regulation 13 of the Welfare Food Regulations 1988 (payments made in place of milk tokens or the supply of vitamins).

40. Any payment made either by the Secretary of State for the Home Department or by the Secretary of State for Scotland under a scheme established to assist relatives and other persons to visit persons in custody.”.

Transitional

3. In respect of any application for a grant made before 1st May 1991 the provisions of the principal Regulations shall apply as if these Regulations had not come into force.

26th March 1991

Michael Heseltine
Secretary of State for the Environment

26th March 1991

David Hunt
Secretary of State for Wales

We consent,

Sydney Chapman

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28th March 1991

Nicholas Baker
Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Renovation etc. Grants (Reduction of Grant) Regulations 1990 (“the principal Regulations”) in the following respects—

they add to the categories of persons who are not non-dependants (regulation 2(3));

they increase the universal element of the applicable amount from £20 to £22 (regulation 2(4));

they change the multipliers used in calculating the reduction in the amount of grant from 51.54 to 53.35 (for applications accompanied by an owner-occupation certificate) and from 34.62 to 35.37 (for applications accompanied by a tenant’s certificate) (regulation 2(5));

they add to the sums to be disregarded in determining a person’s earnings and net profit (regulation 2(7) and (9));

they include in the definition of earnings of self-employed earners allowances paid under section 2 of the Enterprise and New Towns (Scotland) Act 1990, and make amendments in consequence of that Act in respect of premiums in determining applicable amounts and in respect of sums to be disregarded in determining a person’s income or capital (regulation 2(8), (13)(d)(v), (15)(a) and (16)(f));

they amend the provisions about notional income and notional capital to include payments to a third party in respect of a relevant person or a member of the family, where used for paying water charges for which that relevant person or member is liable (regulation 2(10) and (11));

they provide for loans made to a student, or for which he is eligible, under the Education (Student Loans) Act 1990 or the Education (Student Loans) (Northern Ireland) Order 1990 to be treated as income; exclude from the definition of “grant” certain payments derived from funds made available by the Secretary of State to assist students in financial difficulties; increase the amount of disregard for books and equipment from £234 to £246; and amend the provisions for income and capital to be disregarded, in consequence of the new provision for student loans (regulation 2(12), (15)(c) and (16)(e));

they increase all the personal allowances and premiums in Schedule 1 to the principal Regulations (applicable amounts), add a new premium (the carer premium) and make consequential amendments to that Schedule (regulation 2(13)(a) to (c), (d)(i), (ii) and (vii), (e) and (f));

they increase the amount of income to be disregarded from a lone parent’s earnings from £15 to £25 and extend the application of that disregard (regulation 2(14));

they make provision in respect of the income from charitable or voluntary payments to be disregarded in determining a person’s income and provide for the disregard from a person’s income and capital of travelling expenses, National Health Service payments and payments in place of milk tokens or the supply of vitamins (regulation 2(15)(b) and (d) and (16)(g));

they provide for the disregard, in determining a person’s capital, of certain trust funds and arrears of special war widows payment; and extend the provisions under which assets of a business are disregarded (regulation 2(16)(b), (c) and (g));

they extend the circumstances in which the conditions for application of the disability and higher pensioner premiums in Schedule 1 to the principal Regulations are satisfied and those in which a dwelling is disregarded under Schedule 4 of those Regulations (capital to be disregarded); amend the circumstances in which the value of a right to receive income is disregarded from a person’s capital

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and clarify what income is included in regulation 16 of the principal Regulations (determination of income on a weekly basis) (regulation 2(13)(d)(iii), (iv) and (vi), (16)(d) and (6)).

Regulation 3 (transitional) provides that the amendments do not apply in respect of any application for a grant made before the date on which the Regulations come into force.