

2008 No. 2377(W.206)

HOUSING, WALES

**The Housing Renewal Grants
(Amendment) (Wales) Regulations
2008**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend (in relation to Wales) the Housing Renewal Grants Regulations 1996 (S.I. 1996/2890) (“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.

Regulation 3(1) replaces section 5 (definition of relevant person) of the 1996 Regulations with a new definition for the purposes of establishing who is the relevant person in respect of any application for a grant.

Regulation 3(2) amends regulation 10 (the applicable amount) of the 1996 Regulations so that when calculating the financial resources of a person for the purposes of assessing eligibility for a grant, a person entitled to any of the benefits listed in paragraph (a) of that regulation will be regarded as having an income of £1.

Regulation 3(3) amends the amounts for the purposes of regulation 12 (reduction in amount of grant) of the 1996 Regulations, which determine the amount of reduction of grant in cases where the financial resources of the applicant or applicants for grant exceed the “applicable amount”.

Regulation 3(4) makes an amendment to the calculation of “notional income” in regulation 31 (notional income) of the 1996 Regulations.

Regulation 3(5) to (8) increases the applicable amounts and premiums in Schedules 1 to 4 to the 1996 Regulations.

Regulation 5 amends Schedule 1A to the 1996 Regulations which have effect in relation to any person who has attained the qualifying age for state pensions.

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Made *6 September 2008*

Laid before the National Assembly for Wales

9 September 2008

Coming into force *2 October 2008*

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 30 and 146 of the Housing Grants, Construction and Regeneration Act 1996⁽¹⁾, and now vested in them ⁽²⁾, make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Housing Renewal Grants (Amendment) (Wales) Regulations 2008 and they come into force on 2 October 2008.

(2) These Regulations apply to applications for grants which fall to be approved on or after 2 October 2008 by local housing authorities in Wales.

(3) In these Regulations “the 1996 Regulations” (“*Rheoliadau 2006*”) means the Housing Renewal Grants Regulations 1996⁽³⁾.

(1) 1996 c. 53.

(2) The functions of the Secretary of State under the Housing Grants, Construction and Regeneration Act 1996 were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions Order 1999 (S.I. 1999/672). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32) the functions formerly exercisable by the National Assembly for Wales are now exercisable by the Welsh Ministers.

(3) S.I. 1996/2890.

Amendment of the 1996 Regulations

2. The 1996 Regulations are amended in accordance with regulation 3.

3.—(1) For regulation 5 (definition of relevant person) substitute—

“Definition of relevant person

5.—(1) Subject to paragraph (2), in respect of any application for a grant a relevant person is any person who—

- (a) is the disabled occupant or one of the disabled occupants of the dwelling; or
 - (b) is the partner, or a partner, of the disabled occupant or one of the disabled occupants of the dwelling,
- and is not a young person or child or the partner of a young person.

(2) Where—

- (a) both members of a couple or
- (b) two or more members of a polygamous marriage

fall within the definition of a relevant person in paragraph (1), only one member of that couple or marriage will be the relevant person in respect of that application.”.

(2) For regulation 10 (the applicable amount) substitute—

“10.—(1) The applicable amount in respect of any one application is—

- (a) the aggregate of the total of the weekly applicable amounts of all those persons who are relevant persons in the case of that application; and
- (b) £61.30.

(2) For the purposes of paragraph (1), the weekly applicable amount as regards any of the persons listed in paragraph (3) is £1.

(3) The persons mentioned in paragraph (2) are—

- (a) a relevant person who is in receipt of, and entitled to be in receipt of—
 - (i) income support;
 - (ii) income-based job-seeker’s allowance;
 - (iii) housing benefit; or
 - (iv) council tax benefit;
- (b) a relevant person who—

- (i) is in receipt of guarantee credit; or
- (ii) is a member of a couple, and the other member is in receipt of guarantee credit; or
- (c) a relevant person—
 - (i) who is in receipt of working tax credit or child tax credit; and
 - (ii) whose annual income for the purposes of assessing the relevant person’s entitlement to working tax credit or child tax credit has been calculated as being less than £15,050.

(4) As regards any other relevant person the weekly applicable amount is the amount determined in the relevant person’s case in accordance with regulation 14 (applicable amounts).”.

- (3) In regulation 12 (reduction in amount of grant)—
- (a) in paragraph (1)(a), for “19.37” substitute “18.85”;
 - (b) in paragraph (1)(b), for “38.73” substitute “37.69”;
 - (c) in paragraph (1)(c), for “154.93” substitute “150.77”;
 - (d) in paragraph (1)(d), for “387.33” substitute “376.93”;
 - (e) in paragraph (2)(a), for “11.21” substitute “11.04”;
 - (f) in paragraph (2)(b), for “22.41” substitute “22.09”;
 - (g) in paragraph (2)(c), for “89.66” substitute “88.34”;
 - (h) in paragraph (2)(d), for “224.15” substitute “220.86”.

(4) In regulation 31 (notional income), after paragraph (2) insert—

“(2A) For the purposes of paragraphs (1) and (2), a person is not to be regarded as deprived of income where—

- (a) that person’s rights to benefits under a registered pension scheme are extinguished and in consequence of this a payment is received by that person from the scheme, and
- (b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004(1).

(1) 2004 c. 12.

(2B) in paragraph (2A) “registered pension scheme” has the meaning given in section 150(2) of the Finance Act 2004.”.

(5) Schedule 1 (applicable amounts) is amended as follows—

- (a) in paragraph 1 in the column headed “(2) *Amount*”—
 - (i) in sub-paragraph (1)(a), for “£44.50” substitute “£47.95”;
 - (ii) in sub-paragraph (1)(b), for “£56.20” substitute “£60.50”;
 - (iii) in sub-paragraph (2)(a) for “£44.50” substitute “£47.95”;
 - (iv) in sub-paragraph (2)(b), for “£56.20” substitute “£60.50”;
 - (v) in sub-paragraph (3)(a), for “£67.15” substitute “£72.35”; and
 - (vi) in sub-paragraph (3)(b), for “£88.15” substitute “£94.95”;
- (b) in paragraph 2, in the column headed “(2) *Amount*”, in sub-paragraphs (a) and (b) for “£43.88” substitute “£52.59”;
- (c) in paragraph 3—
 - (i) in sub-paragraph (1), for “£16.10” substitute “£16.75”; and
 - (ii) in sub-paragraph (3) for “£10.45” substitute “£10.50”;
- (d) in paragraph 13A—
 - (i) in sub-paragraph (1), omit the words “Subject to sub-paragraph (2)”; and
 - (ii) omit sub-paragraph (2);
- (e) in paragraph 14(1)(a), omit the words “except as provided in regulation 32(5) (modifications in respect of children and young persons)”;
- (f) in paragraph 18, in the column headed “*Amount*”—
 - (i) in each of sub-paragraphs (1)(a), (2)(a) and (3)(a), for “£53.25” substitute “£63.55”;
 - (ii) in each of sub-paragraphs (1)(b), (2)(b) and (3)(b), for “£78.90” substitute “£94.40”;
 - (iii) in sub-paragraph (3A), for “£25.85” substitute “£26.80”;
 - (iv) in sub-paragraph (4)(a), for “£23.95” substitute “£25.85”;
 - (v) in sub-paragraph (4)(b), for “£34.20” substitute “£36.85”;
 - (vi) in sub-paragraph (5)(a), for “£45.50” substitute “£50.35”;

- (vii) in sub-paragraph (5)(b)(i), for “£45.50” substitute “£50.35”;
- (viii) in sub-paragraph (5)(b)(ii), for “£91.00” substitute “£100.70”;
- (ix) in sub-paragraph (6), for “£43.89” substitute “£48.72”;
- (x) in sub-paragraph (7) for “£25.80” substitute “£27.75”;
- (xi) in sub-paragraph (8)(a) for “£17.71” substitute “£19.60”;
- (xii) in sub-paragraph (8)(b), for “£11.70” substitute “£12.60”; and
- (xiii) in sub-paragraph (8)(c), for “£16.90” substitute “£18.15”.

(6) Schedule 2 is amended as follows—

- (a) in paragraph 18, in sub-paragraphs (1) and (3)(c), for “£14.50” substitute “£14.90”;
- (b) in paragraph 12, in sub-paragraph (a), omit “or” in the first place where it occurs, and after the words “guarantee credit” insert “, housing benefit or council tax benefit”; and
- (c) after paragraph 12 insert—

“**12A.** Where a relevant person is in receipt of—

- (a) working tax credit or child tax credit; and
 - (b) whose annual income for the purposes of assessing the relevant person’s entitlement to working tax credit or child tax credit has been calculated as being less than £15,050,
- the relevant person’s earnings.”.

(7) Schedule 3 is amended as follows—

- (a) in paragraph 4, in sub-paragraph (a), omit “or” in the first place where it occurs, and after the words “guarantee credit” insert “, housing benefit or council tax benefit”;
- (b) after paragraph 4 insert—

“**4A.** Where a relevant person is in receipt of—

- (a) working tax credit or child tax credit; and
- (b) whose annual income for the purposes of assessing the relevant person’s entitlement to working tax credit or child tax credit has been calculated as being less than £15,050,

the whole of the relevant person’s income.”; and

- (c) in paragraph 13 after sub-paragraph (f) insert—

“(g) a guaranteed income payment made under article 14(1)(b) or article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(1)”.

- (8) Schedule 4 is amended as follows—

- (a) In paragraph 6, in sub-paragraph (a)—

- (i) after the words “income-based jobseeker’s allowance” omit “or” in the first place where it occurs, and insert “;”;
- (ii) after the words “guarantee credit” insert “housing benefit or council tax benefit”;

- (b) After paragraph 6 insert—

“6A. Where a relevant person is in receipt of—

- (a) working tax credit or child tax credit; and
- (b) whose annual income for the purposes of assessing the relevant person’s entitlement to working tax credit or child tax credit has been calculated as being less than £15,050,
- the whole of the relevant person’s capital.”.

Amendment of the 1996 Regulations as modified in relation to certain persons

4.—(1) Schedule 1A to the 1996 Regulations(2) is amended in accordance with this regulation.

- (2) In Schedule 1A—

- (a) in paragraph 1 in the column headed “(2) Amount”—
- (i) in sub-paragraph (1)(a), for “£109.45” substitute “£124.05”;
- (ii) in sub-paragraph (1)(b), for “£125.90” substitute “£143.80”;
- (iii) in sub-paragraph (2)(a), for “£167.05” substitute “£189.35”;
- (iv) in sub-paragraph (2)(b), for “£188.60” substitute “£215.50”;

(1) S.I. 2005/439.

(2) Regulation 3 of the Housing Renewal Grants (Amendment) (Wales) Regulations 2006 (S.I. 2006/2801) modified the 1996 Regulations in relation to any person who has attained the qualifying age for state pension, by substituting, for regulations 14 and 15 of those regulations, regulation 14 (applicable amounts) which also gives effect to Schedule 1A to the 1996 Regulations in relation to such persons.

- (v) in sub-paragraph (3)(a), for “£167.05” substitute “£189.35”;
 - (vi) in sub-paragraph (3)(b), for “£57.60” substitute “£65.30”;
 - (vii) in sub-paragraph (4)(a), for “£188.60” substitute “£215.50”; and
 - (viii) in sub-paragraph (4)(b), for “£62.70” substitute “£71.70”;
- (b) in paragraph 2, in the column headed “(2) *Amount*”, in sub-paragraphs (a) and (b) for “£43.88” substitute “£52.59”;
- (c) in paragraph 3—
- (i) in sub-paragraph (1), for “£16.10” substitute “£16.75”; and
 - (ii) after sub-paragraph (2) insert—
“(3) Where the relevant person was a lone parent throughout the period beginning on 2 October 2008 and ending on the date on which the application is made, and no premium is applicable under paragraph 8, 9, 10 or 11, the amount for those purposes is £22.30.”;
- (d) omit paragraph 5;
- (e) for paragraph 6 substitute—
“6. Where a relevant person satisfies a condition in respect of more than one premium in this Part, the premiums are to be aggregated.”
;
- (f) in paragraph 13, in the column headed “*Amount*”—
- (i) in sub-paragraphs (1)(a) and (1)(b)(i), for “£45.50” substitute “£50.35”;
 - (ii) in sub-paragraph (1)(b)(ii), for “£91.00” substitute “£100.70”;
 - (iii) in sub-paragraph (2), for “£17.71” substitute “£19.60”;
 - (iv) in sub-paragraph (3), for “£43.89” substitute “£48.72”; and
 - (v) in sub-paragraph (4), for “£25.80” substitute “£27.75”.

Jocelyn Davies

Under authority of the Minister for Environment, Sustainability and Housing, one of the Welsh Ministers.

6 September 2008