

EXPLANATORY MEMORANDUM TO
THE HOUSING RENEWAL GRANTS (AMENDMENT) (WALES)
REGULATIONS 2008

This Explanatory Memorandum has been prepared by the Private Sector Unit of the Housing Directorate and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

Description

1. These Regulations amend the Housing Renewal Grants Regulations 1996 (S.I. No. 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 (“the 1996 Act”). The Regulations also provide a revised definition of relevant person in respect of any application for a grant.

Matters of special interest to the Subordinate Legislation Committee

2. These Regulations take into account the report of the Joint Committee on Statutory Instruments (21st report of the 2007/08 session) upon the drafting errors made in the equivalent regulations made in England on 28 April 2008, which came into force on 22 May 2008; The Housing Renewal Grants (Amendment) (England) Regulations 2008 (S.I. No 1190/2008).

Legislative Background

3. Section 30 of the 1996 Act gives the Secretary of State power to make regulations setting out the means testing regime to be applied in the case of an application for a disabled facilities grant.
4. The powers of the Secretary of State within the 1996 Act, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. No. 1999/672 and have been transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
5. These Regulations follow the negative resolution procedure.

Purpose and intended effect of legislation

6. The main purpose behind these Regulations is to increase allowances and offsets relating to the means test for disabled facilities grants in line with changes to housing benefit allowances in relation to the Gross Domestic

Product (GDP) Deflator. The Regulations also introduce a revised definition of relevant person in relation to applications for such grants.

Implementation

7. If these Regulations are annulled it will mean that applicants for disabled facilities grants will be at a disadvantage compared to their counterparts in England.
8. The comparable legislation in England, the Housing Renewal Grants (Amendment) (England) Regulations 2008 (S.I. No 1190/2008) was made on 28 April and came into force on 22 May 2008.
9. It is proposed that the Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (Wales) Order 2008 is made simultaneously with these regulations.

Consultation

10. The Welsh Local Government Association has been consulted and has indicated that it is content. Further consultation is not deemed necessary as the changes that the Regulations introduce are relatively routine.

Regulatory Impact Assessment

11. A regulatory impact assessment is not regarded as being necessary for these Regulations as they will have very limited effect on the current arrangements relating to the provision of Disabled Facilities Grants. In addition the principal effect of these regulations is to uprate the calculations regarding the amount of grant which may be paid by a housing authority under Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996 ("the 1996 Act"), to take account of inflation.

Post Implementation Review

12. The impact of the policy contained in these regulations is predictable. They are not likely to need review in the near future but may be updated if further changes to the GDP Deflator are made. The administration of the policy relating to these regulations will be a matter for local authorities to consider.

Summary

13. This order will impact on local housing authorities who are responsible for the delivery and administration of disabled facilities grants, but will benefit recipients of such grants.