

2008 No. 2370 (W.205)

HOUSING, WALES

**The Disabled Facilities Grants
(Maximum Amounts and Additional
Purposes) (Wales) Order 2008**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order (which applies in relation to Wales) prescribes the maximum amount of mandatory disabled facilities grant that a local housing authority can be required to pay under Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996 (“the Act”). By article 2, the maximum amount is £36,000.

Section 23(1) of the Act specifies the purposes for which, subject to the provisions of Chapter 1 of Part 1 of the Act, an application for a grant must be approved. Article 3 of this Order specifies additional purposes for which an application for a grant must be approved, subject to the provisions of Chapter 1 of Part 1 of the Act being satisfied. The specified purposes are for facilitating access by the disabled occupant to and from a garden (which is defined in article 3(3)), and for making the access to a garden safe for the disabled occupant.

Articles 2 and 3 of the Disabled Facilities Grants and Home Repair Assistance (Maximum Amounts Order) 1996, which apply to England and Wales, set the maximum amount of mandatory disabled facilities grant at £30,000 in relation to Wales. Article 4 of this Order provides for those articles to cease to have effect in relation to Wales.

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HOUSING, WALES

**The Disabled Facilities Grants
(Maximum Amounts and Additional
Purposes) (Wales) Order 2008**

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 23(1)(1), 33 and 146 of the Housing Grants, Construction and Regeneration Act 1996⁽¹⁾, and now vested in them ⁽²⁾, make the following Order:

Title, commencement, application and interpretation

1.—(1) The title of this Order is The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (Wales) Order 2008 and it comes into force on 2 October 2008.

(2) This Order applies in relation to Wales.

(3) In this Order “the Act” (“*y Ddeddf*”) means the Housing Grants, Construction and Regeneration Act 1996.

Maximum amount of disabled facilities grant

2. Where a local housing authority must approve an application for disabled facilities grant by virtue of

(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.

section 23(1) of the Act (grants: purposes for which grant must or may be given), the maximum amount which the authority may pay in respect of the application is £36,000.

Purposes for which grant may be given

3.—(1) Subject to the provisions of Chapter 1 of Part 1 of the Act, an application for a disabled facilities grant must be approved where the application is for a purpose specified in paragraph (2).

(2) The purposes are—

- (a) facilitating access to and from a garden by a disabled occupant⁽¹⁾; or
- (b) making access to a garden safe for a disabled occupant.

(3) For the purposes of paragraph (2) “garden” means a garden belonging to, or usually enjoyed with, a dwelling⁽²⁾, caravan⁽³⁾ or flat⁽⁴⁾ occupied by a disabled occupant and includes—

- (i) a balcony adjoining the dwelling of a disabled occupant;
- (ii) a yard, outhouse or other appurtenance within the boundaries of the land in which the dwelling or caravan of a disabled occupant is situated and belonging to it or usually enjoyed with it;
- (iii) a yard, outhouse or other appurtenance within the boundaries of the land in which is situated the building in which the dwelling or, as the case may be, flat, of a disabled occupant is situated and belonging to it or usually enjoyed with it; and
- (iv) the land adjacent to the mooring of a disabled occupant’s qualifying houseboat⁽⁵⁾.

(4) If in the opinion of the local housing authority the relevant works are more or less extensive than is necessary to achieve a purpose set out in paragraph (2), it may, with the consent of the applicant, treat the application as varied so that the relevant works are limited to or, as the case may be, include such works as seem to the local housing authority to be necessary for that purpose.

(5) In this article “applicant” means the person making the application for a grant under Chapter 1 of Part 1 of the Act.

(1) For the meaning of “disabled occupant” *see* section 20 of the Act.
(2) For the meaning of “dwelling” *see* section 101 of the Act.
(3) For the meaning of “caravan” *see* section 58 of the Act.
(4) For the meaning of “flat” *see* section 58 of the Act.
(5) For the meaning of “qualifying houseboat” *see* section 58 of the Act.

Provisions ceasing to have effect in Wales

4. Articles 2 and 3 of the Disabled Facilities Grants and Home Repair Assistance (Maximum Amounts Order) 1996⁽¹⁾ cease to have effect in relation to Wales.

Jocelyn Davies

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

6 September 2008

(1) S.I. No. 1996/2888.