

2009 No. 1087 (W. 95)

HOUSING, WALES

**The Housing Renewal Grants
(Amendment) (Wales) Regulations
2009**

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.

Schedule 3 to the 1996 Regulations lists sums to be disregarded in the determination of income other than earnings, and Schedule 4 lists the capital to be disregarded in the determination of capital.

Schedules 3 and 4 to the 1996 Regulations are amended by regulations 2 and 3(1)(a) and 3(2)(a) of these Regulations so that any payments of working tax credit or child tax credit are to be disregarded in the determination of income other than earnings or capital.

Regulations 2 and 3(1)(b) amend Schedule 3 to the 1996 Regulations by inserting a new paragraph 50A, the effect of which is that where a member of the armed forces receives specified retired pay or a pension under the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006 and constant attendance allowance, the amounts so received are disregarded in the determination of income other than earnings. Regulation 3(1)(b) also inserts a new paragraph 50B into Schedule 3, the effect of which is that any guaranteed income payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 which relates to an injury that falls within any of levels 1 to 6 of the tariff set out in any of Tables 1 to 9 in Schedule 4 to that Order, is to be disregarded in the determination of income other than earnings.

Regulations 2 and 3(2)(b) amend Schedule 4 to the 1996 Regulations so that any lump sum, additional multiple injury lump sum or additional lump sum paid under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005, which is attributable to an injury that falls within any of levels 1 to 6 of the tariff set out in any of Tables 1 to 9 in Schedule 4 to that Order, is to be disregarded in the determination of capital.

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Made 27 April 2009

Laid before the National Assembly for Wales
28 April 2009

Coming into force 20 May 2009

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 and application

1.—(1) The title of these Regulations is The Housing Renewal Grants (Amendment) (Wales) Regulations 2009 and they come into force on 20 May 2009.

(2) These Regulations apply to applications for grants which fall to be approved on or after 20 May 2009 by local housing authorities in Wales.

Amendment of the Housing Renewal Grants Regulations 1996

2. The Housing Renewal Grants Regulations 1996(3) are amended in accordance with regulation 3.

(1) 1996 c. 53.

(2) The functions of the Secretary of State under sections 30 and 146 of 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; see the entry in Schedule 1 for the Housing Grants, Construction and Regeneration Act 1996). 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. Relevant amending instruments are S.I. 2004/253 (W. 28), S.I. 2006/2801 (W. 240) and S.I. 2008/2377 (W. 206).

3.—(1) Schedule 3 is amended as follows—

(a) after paragraph 4A insert—

“**4B** Any amount of working tax credit or child tax credit paid to a relevant person.”;

(b) after paragraph 50 insert—

“**50A** Where a member of the armed forces is—

- (a) in receipt of retired pay or a pension under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006⁽¹⁾ and the retired pay or pension is in respect of disablement the degree of which is not less than eighty per cent⁽²⁾; and
- (b) in receipt of constant attendance allowance payable under article 8 of that Order,

any such retired pay, pension or constant attendance allowance paid to that member pursuant to that Order.

50B Any guaranteed income payment payable under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005⁽³⁾ where the guaranteed income payment relates to an injury that falls within any of levels 1 to 6 of the tariff set out in any of Tables 1 to 9 in Schedule 4 to that Order.”.

(2) Schedule 4 is amended as follows—

(a) in paragraph 9 for sub-paragraph (f) substitute—

“(f) any working tax credit or child tax credit.”;

(b) after paragraph 66 insert—

“**67.** Any lump sum, additional multiple injury lump sum or additional lump sum paid pursuant to the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 where the payment relates to an injury that falls within any of levels 1 to 6 of the tariff set out in any of Tables 1 to 9 in Schedule 4 to that Order.”.

(1) S.I. 2006/606, amended by S.I. 2006/1455, S.I. 2007/909 and S.I. 2008/679.

(2) Article 42 of, and Part 5 of Schedule 1 and paragraph 6 of Part 1 of Schedule 4 to, the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006 defines the degree of disablement by reference to the injury or disablement sustained.

(3) S.I. 2005/439. Relevant amending instruments are S.I. 2006/1438, S.I. 2008/39, S.I. 2008/2160 and S.I. 2008/2942.

Jocelyn Davies

Deputy Minister for Housing under authority of the
Minister for Environment, Sustainability and Housing,
one of the Welsh Ministers

27 April 2009