

EXPLANATORY MEMORANDUM TO
THE HOUSING RENEWAL GRANTS (AMENDMENT) (WALES)
REGULATIONS 2009

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 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 ("the 1996 Act").

Matters of special interest to the Subordinate Legislation Committee

2. None at this stage.

Legislative Background

3. This SI is made under Sections 30 (means testing in case of application by owner-occupier or tenant) and 146 (general provisions as to making regulations under the 1996 Act) 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 grant (in this case a Disabled Facilities Grant).
4. The powers of the Secretary of State under 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 of these Regulations is to amend the 1996 Regulations so that any payments of working tax credit or child tax credit are disregarded in the determination of income other than earnings or capital in the test of resources for disabled facilities grants. In addition 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. 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 also disregarded in the determination of income other than earnings.

7. The 1996 Regulations are also amended 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 that is taken into account in the test of resources for Disabled Facilities Grants.

Implementation

8. If these Regulations are not made it will leave applicants for disabled facilities grants in Wales at a disadvantage compared to those applicants in England.
9. The same SI came into force in England on 31 December 2008 (the Housing Renewal Grants (Amendment) (No. 2) (England) Regulations 2008 (S.I. No 3104/2008)).

Consultation

10. Consultation is not considered necessary on these Regulations as the changes are routine and the impact of them is regarded as being relatively minor in the light of the current legislation.

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.

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 Gross Domestic Product Deflator in relation to the level of inflation are made. The administration of the policy relating to these Regulations will be a matter for local authorities to consider.

Summary

13. These Regulations will have a limited impact on local housing authorities who are responsible for the delivery and administration of Disabled Facilities Grants, but will benefit recipients of such grants where any of the applicants receive the payments/allowances referred to in paragraphs 6 and 7 above.