WELSH STATUTORY INSTRUMENTS

2010 No. 297 (W.39)

HOUSING, WALES

The Housing Renewal Grants (Amendment) (Wales) Regulations 2010

Made - - - -	*10 February 2010*
Laid before the National Assembly for Wales - -	*11 February 2010*
Coming into force - -	*4 March 2010*

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 make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Housing Renewal Grants (Amendment) (Wales) Regulations 2010 and they come into force on 4 March 2010.

(2) These Regulations apply to applications for grants which fall to be approved on or after 4 March 2010 by local housing authorities in Wales.

Amendment of the Housing Renewal Grants Regulations 1996

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

3.—(1) In regulation 2 (interpretation)—

(a) After the definition of "community charge benefits" insert—

> ""contributory employment and support allowance" means an employment and support allowance entitlement to which depends on satisfying the basic conditions

(**1**) 1996 c. 53. 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.

(**2**) 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).

set out in subsection (3) of section 1 of the Welfare Reform Act 2007(**3**), and the requirements of subsection (2)(a) of that section;";

(b) after the definition of "employed earner" insert—

""employment and support allowance" means an employment and support allowance payable under Part 1 of the Welfare Reform Act 2007;";

(c) after the definition of "income-related benefit" insert—

""income-related employment and support allowance" means an employment and support allowance entitlement to which depends on satisfying the basic conditions set out in subsection (3) of section 1 of the Welfare Reform Act 2007, and the requirements of subsection (2)(b) of that section;";

(d) after the definition of "invalid carriage or other vehicle" insert—

""jobseeker's allowance" means an allowance payable under the Jobseekers Act 1995(**4**)

(e) after the definition of "the MacFarlane Trusts" insert—

""main phase contributory employment and support allowance" means contributory employment and support allowance where the calculation of the amount payable in respect of the claimant includes an addition under section 2(1)(b) of the Welfare Reform Act 2007;

"main phase employment and support allowance" means an employment and support allowance where the calculation of the amount payable in respect of the claimant includes an addition under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007;"; and

(f) for the definition of "young person" substitute—

""young person" means a person who is—

(a) a qualifying young person within the meaning of section 142(2)(a) of the 1992 Act; and

(b) not in receipt of income support(**5**), jobseeker's allowance, incapacity benefit(**6**) or employment and support allowance;".

(2) In regulation 10 (the applicable amount), in paragraph (3), for sub-paragraph (a) substitute—

"(a) a relevant person who is in receipt of, and entitled to be in receipt of—

(i) council tax benefit(**7**);

(ii) housing benefit(**8**);

(iii) income-based jobseeker's allowance(**9**);

(iv) income-related employment and support allowance; or

(v) income support;".

(3) In regulation 19 (treatment of child care charges(**10**))—

(a) in paragraph (1A)—

(**3**) 2007 c. 5.
(**4**) 1995 c. 18.
(**5**) For the definition of "income support" *see* regulation 2 (interpretation) of the Housing Renewal Grants Regulations 1996 (S.I. 1996/2890) ("the principal Regulations").
(**6**) For the definition of "incapacity benefit" *see* regulation 2 of the principal Regulations.
(**7**) For the definition of "council tax benefit" *see* regulation 2 of the principal Regulations.
(**8**) For the definition of "housing benefit" *see* regulation 2 of the principal Regulations.
(**9**) For the definition of "income-based jobseeker's allowance" *see* regulation 2 of the principal Regulations.
(**10**) Paragraphs (1A) and (1B) of regulation 19 were inserted by regulations 4 and 13(b) of S.I. 2006/2801.

(i) omit the word "or" where it appears at the end of sub-paragraph (c); and

(ii) for sub-paragraph (d) substitute—

"(d) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975(**11**); or

(e) is paid employment and support allowance.";

(b) in paragraph (1B) in sub-paragraph (a), after "short-term incapacity benefit" insert ", employment and support allowance";

(c) in paragraph (3)—

(i) at the end of sub-paragraph (b) insert "or the Employment and Support Allowance Regulations 2008(**12**);"

(ii) for sub-paragraph (c) substitute—

"(c) the relevant person—

(i) is or is treated as incapable of work, and has been incapable or treated as incapable of work in accordance with the provisions of, and regulations made under, Part XIIA of the 1992 Act (incapacity for work(**13**)) for a continuous period of not less than 196 days, and for this purpose any two or more periods separated by a break of not more than 56 days shall be treated as one continuous period; or

(ii) has, or is being treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days, and for this purpose any two or more periods separated by a break of not more than 84 days shall be treated as one continuous period."

(iii) in sub-paragraph (d) after paragraph (vi) insert—

"(vii) main phase employment and support allowance;".

(4) In regulation 41 (students — interpretation) in the definition of "access funds"(**14**) in sub-paragraph (d)—

(a) after "learner support funds" insert—
"or "discretionary support funds"(**15**)

(b) after "the Learning and Skills Act 2000" insert—
"or by the Chief Executive for Skills Funding under the Apprenticeships, Skills, Children, and Learning Act 2009(**16**)

(5) In Schedule 1 (applicable amounts)—

(a) in sub-paragraph (1) of paragraph 1—

(i) in the column headed "Person or couple", below the entry at (b), insert "(c) any age and entitled to main phase employment and support allowance"; and

(**11**) Regulation 8B of the Social Security (Credits) Regulations 1975 (S.I. 1975/556) was inserted by regulation 2(6) of S.I. 1996/2367.
(**12**) S.I. 2008/794.
(**13**) "the 1992 Act" is defined in regulation 2 of the Housing Renewal Grants Regulations 1996, as "the Social Security and Benefits Act 1992" (1992 c. 4). Part XIIA of that Act was inserted by section 5 of the Social Security (Incapacity for Work) Act 1994 (1994 c. 18).
(**14**) The definition of "access funds" was inserted into Regulation 41 by S.I. 2001/2073 (W.145). This has been amended, in relation to Wales, by S.I. 2002/2798 (W.266) and S.I. 2005/3238 (W.243).
(**15**) "discretionary support funds" replaced "learner support funds".
(**16**) 2009 c. 22.