WELSH STATUTORY INSTRUMENTS

2008 No. 2377 (W.206)

HOUSING, WALES

The Housing Renewal Grants (Amendment) (Wales) Regulations 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 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, application and interpretation

1.—(1) The title of these Regulations is the Housing Renewal Grants (Amendment) (Wales) Regulations 2008 and they come into force on 2 October 2008.

(2) These Regulations apply to applications for grants which fall to be approved on or after 2 October 2008 by local housing authorities in Wales.

(3) In these Regulations "the 1996 Regulations" ("*Rheoliadau 2006*") means the Housing Renewal Grants Regulations 1996(**3**).

Amendment of the 1996 Regulations

2. The 1996 Regulations are amended in accordance with regulation 3.

3.—(1) For regulation 5 (definition of relevant person) substitute—

"**Definition of relevant person**

5.—(1) Subject to paragraph (2), in respect of any application for a grant a relevant person is any person who—

(**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.

(**3**) S.I. 1996/2890.

(a) is the disabled occupant or one of the disabled occupants of the dwelling; or

(b) is the partner, or a partner, of the disabled occupant or one of the disabled occupants of the dwelling,

and is not a young person or child or the partner of a young person.

(2) Where—

(a) both members of a couple or

(b) two or more members of a polygamous marriage

fall within the definition of a relevant person in paragraph (1), only one member of that couple or marriage will be the relevant person in respect of that application.".

(2) For regulation 10 (the applicable amount) substitute—

"**10.**—(1) The applicable amount in respect of any one application is—

(a) the aggregate of the total of the weekly applicable amounts of all those persons who are relevant persons in the case of that application; and

(b) £61.30.

(2) For the purposes of paragraph (1), the weekly applicable amount as regards any of the persons listed in paragraph (3) is £1.

(3) The persons mentioned in paragraph (2) are—

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

(i) income support;

(ii) income-based job-seeker's allowance;

(iii) housing benefit; or

(iv) council tax benefit;

(b) a relevant person who—

(i) is in receipt of guarantee credit; or

(ii) is a member of a couple, and the other member is in receipt of guarantee credit; or

(c) a relevant person—

(i) who is in receipt of working tax credit or child tax credit; and

(ii) whose annual income for the purposes of assessing the relevant person's entitlement to working tax credit or child tax credit has been calculated as being less than £15,050.

(4) As regards any other relevant person the weekly applicable amount is the amount determined in the relevant person's case in accordance with regulation 14 (applicable amounts).".

(3) In regulation 12 (reduction in amount of grant)—

(a) in paragraph (1)(a), for "19.37" substitute "18.85";

(b) in paragraph (1)(b), for "38.73" substitute "37.69";

(c) in paragraph (1)(c), for "154.93" substitute "150.77";

(d) in paragraph (1)(d), for "387.33" substitute "376.93";

(e) in paragraph (2)(a), for "11.21" substitute "11.04";

(f) in paragraph (2)(b), for "22.41" substitute "22.09";

(g) in paragraph (2)(c), for "89.66" substitute "88.34";

(h) in paragraph (2)(d), for "224.15" substitute "220.86".

(4) In regulation 31 (notional income), after paragraph (2) insert—

"(2A) For the purposes of paragraphs (1) and (2), a person is not to be regarded as deprived of income where—

(a) that person's rights to benefits under a registered pension scheme are extinguished and in consequence of this a payment is received by that person from the scheme, and

(b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004(**4**).

(2B) in paragraph (2A) "registered pension scheme" has the meaning given in section 150(2) of the Finance Act 2004.".

(5) Schedule 1 (applicable amounts) is amended as follows—

(a) in paragraph 1 in the column headed "(2) *Amount*"—

(i) in sub-paragraph (1)(a), for "£44.50" substitute "£47.95";

(ii) in sub-paragraph (1)(b), for "£56.20" substitute "£60.50";

(iii) in sub-paragraph (2)(a) for "£44.50" substitute "£47.95";

(iv) in sub-paragraph (2)(b), for "£56.20" substitute "£60.50";

(v) in sub-paragraph (3)(a), for "£67.15" substitute "£72.35"; and

(vi) in sub-paragraph (3)(b), for "£88.15" substitute "£94.95";

(b) in paragraph 2, in the column headed "(2) *Amount*", in sub-paragraphs (a) and (b) for "£43.88" substitute "£52.59";

(c) in paragraph 3—

(i) in sub-paragraph (1), for "£16.10" substitute "£16.75"; and

(ii) in sub-paragraph (3) for "£10.45" substitute "£10.50";

(d) in paragraph 13A—

(i) in sub-paragraph (1), omit the words "Subject to sub-paragraph (2)"; and

(ii) omit sub-paragraph (2);

(e) in paragraph 14(1)(a), omit the words "except as provided in regulation 32(5) (modifications in respect of children and young persons)";

(f) in paragraph 18, in the column headed "*Amount*"—

(i) in each of sub-paragraphs (1)(a), (2)(a) and (3)(a), for "£53.25" substitute "£63.55";

(ii) in each of sub-paragraphs (1)(b), (2)(b) and (3)(b), for "£78.90" substitute "£94.40";

(iii) in sub-paragraph (3A), for "£25.85" substitute "£26.80";

(iv) in sub-paragraph (4)(a), for "£23.95" substitute "£25.85";

(v) in sub-paragraph (4)(b), for "£34.20" substitute "£36.85";

(vi) in sub-paragraph (5)(a), for "£45.50" substitute "£50.35";

(vii) in sub-paragraph (5)(b)(i), for "£45.50" substitute "£50.35";

(viii) in sub-paragraph (5)(b)(ii), for "£91.00 substitute "£100.70";

(ix) in sub-paragraph (6), for "£43.89" substitute "£48.72";

(**4**) 2004 c. 12.