WELSH STATUTORY INSTRUMENTS

2006 No. 2801 (W.240)

HOUSING, WALES

The Housing Renewal Grants (Amendment) (Wales) Regulations 2006

Made - - - -	*17 October 2006*
Coming into force - -	*20 October 2006*

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by sections 30 and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996(**1**) and now vested in the National Assembly for Wales(**2**), makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Housing Renewal Grants (Amendment) (Wales) Regulations 2006 and they come into force on 20 October 2006.

(2) These Regulations apply to applications for grant which fall to be approved on or after 20 October 2006 by local housing authorities in Wales.

Interpretation

2. In these Regulations—

"the 1996 Regulations" ("*Rheoliadau 1996*") means the Housing Renewal Grants Regulations 1996(**3**), and

"the qualifying age for state pension credit" ("*oedran sy'n cymhwyso ar gyfer credyd pensiwn y wladwriaeth*") is (in accordance with section 1(2)(b) of the State Pension Credit Act 2002)(**4**)—

(a) in the case of a woman, pensionable age; or

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

(**2**) The functions of the Secretary of State under these sections, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, to which there are amendments not relevant to these Regulations. Section 30 was amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, S.I. 2002/1860, article 11 and Schedule 3.

(**3**) S.I. 1996/2890. Relevant amending instruments include S.I. 1996/3119, S.I. 1997/977, S.I. 1997/2764, S.I. 1998/808, S.I. 1999/1523, S.I. 1999/3468 (W. 54), S.I. 2000/973 (W. 43), S.I. 2001/2073 (W. 145), S.I. 2001/4007 (W. 333), S.I. 2002/2798 (W. 266), S.I. 2004/253 (W. 28), S.I. 2005/2605 (W. 180).

(**4**) 2002 c. 16.

(b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man.

Modification of the 1996 Regulations

3.—(1) The 1996 Regulations have effect, in relation to any person who has attained the qualifying age for state pension credit, with the modifications set out in this regulation.

(2) For regulations 14 (applicable amounts) and 15 (polygamous marriages), substitute—

"**Applicable amounts**

14.—(1) The applicable amount of a relevant person who has attained or whose partner has attained the qualifying age for state pension credit is the aggregate of such of the following amounts as apply in that case—

(a) an amount in respect of that person's personal allowance, determined in accordance with paragraph 1 of Schedule 1A;

(b) an amount in respect of any child or young person who is a member of that person's family, determined in accordance with paragraph 2 of that Schedule;

(c) if that person is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part II of that Schedule (family premium);

(d) the amount of any premiums which may be applicable to that person, determined in accordance with Parts III and IV of that Schedule.

(2) In Schedule 1A, "additional spouse" means a spouse of either party to a marriage who is additional to the other party to the marriage.".

(3) After Schedule 1, insert—

"SCHEDULE 1A Regulation 14

APPLICABLE AMOUNTS FOR PERSONS WHO HAVE ATTAINED OR WHOSE PARTNER HAS ATTAINED THE QUALIFYING AGE FOR STATE PENSION CREDIT

PART I

Personal Allowances

1. The amount specified in the second column of the table below in respect of each person or couple specified in the first column is the amount specified for the purposes of regulation 14(1)(a)—

(1) Person, couple or polygamous marriage	*(2) Amount*
(1) Single claimant—	(1)
(a) aged under 65;	(a) £109.45;
(b) aged 65 or over.	(b) £125.90.
(2) Couple—	(2)
(a) both members aged under 65;	(a) £167.05;
(b) one member or both members aged 65 or over.	(b) £188.60.

(1) Person, couple or polygamous marriage	*(2) Amount*
(3) If the claimant is a member of a polygamous marriage and none of the members of the marriage have attained the age of 65—	(3)
(a) for the claimant and the other party to the marriage;	(a) £167.05;
(b) for each additional spouse who is a member of the same household as the claimant.	(b) £57.60.
(4) If the claimant is a member of a polygamous marriage and one or more members of the marriage are aged 65 or over—	(4)
(a) for the claimant and the other party to the marriage;	(a) £188.60;
(b) for each additional spouse who is a member of the same household as the claimant.	(b) £62.70.

2.—(1) The amounts specified in the second column of the table below in respect of a person specified in the first column, are the relevant period specified in the first column, the amounts specified for the purpose of regulation 14(1)(b)—

Child or young person	*Amount*
In respect of the period—	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£43.88;
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's nineteenth birthday.	£43.88.

(2) In column (1) of the table above, "the first Monday in September" means the Monday which first occurs in the month of September in the relevant year.

PART II

Family Premium

3.—(1) The amount for the purposes of regulation 14(1)(c) and (d) in respect of a family of which at least one member is a child or young person is £16.10.

(2) The amount specified in sub-paragraph (1) is increased by £10.50 where at least one child is under the age of one year and for the purposes of this sub-paragraph where that child's first birthday does not fall on a Monday that child is treated as under the age of one year until the first Monday after their first birthday.

PART III

Premiums

4. The amounts specified in Part IV are the premiums applicable to relevant persons who satisfy a condition specified in paragraphs 7 to 10 of this Part in respect of a particular premium.

5. Subject to paragraph 6, where a relevant person satisfies a condition in respect of more than one premium in this Part, only one premium is applicable to that person and if the premiums which would (apart from this provision) be applicable are of different amounts, only the higher or highest of these applies.

6. The following premiums, namely—

(a) a severe disability premium to which paragraph 7 applies,

(b) an enhanced disability premium to which paragraph 8 applies,

(c) a disabled child premium to which paragraph 9 applies, and

(d) a carer premium to which paragraph 10 applies

are applicable in addition to any other premium which may apply under this Schedule.

Severe disability premium

7.—(1) Subject to paragraphs 11 and 12, the condition is that the relevant person is a severely disabled person.

(2) For the purposes of sub-paragraph (1), a relevant person is treated as a severely disabled person if, and only if—

(a) in the case of a single person, a lone parent or a relevant person who is treated as having no partner in consequence of sub-paragraph (3)—

(i) that person is in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, and

(ii) that person has no non-dependants aged 18 or over normally residing there or with whom that person is normally residing, and

(iii) a carer's allowance under section 70 of the 1992 Act is not in payment to any person in respect of caring for that person;

(b) in the case of a relevant person who has a partner—

(i) the relevant person is in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, and

(ii) the relevant person's partner is also in receipt of such an allowance or, if the relevant person is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance, and

(iii) the relevant person has no non-dependants aged 18 or over normally residing there or with whom the relevant person is normally residing, and either a carer's allowance is payable to someone in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all of the partners of the marriage; or else such an allowance is not in payment to anyone in respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where a relevant person has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that

partner is treated for the purposes of sub-paragraph (2) as if that partner was not a partner of the relevant person.

(4) For the purposes of sub-paragraph (3)—

(a) a person is blind if they are registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services), and

(b) a person who has ceased to be registered as blind on regaining their eyesight is nevertheless to be treated as blind and as satisfying the condition of being so registered for a period of 28 weeks following the date on which they ceased to be so registered.

(5) For the purposes of sub-paragraphs (2)(a)(ii) and (2)(b)(ii), no account is taken of—

(a) a person receiving attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, if they would, but for them being a patient for a period exceeding 28 days, be so in receipt; or

(b) a person who is blind or is treated as blind within the meaning of sub-paragraph (4).

Enhanced disability premium

8. The condition is that the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the 1992 Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the 1992 Act in respect of a child or young person who is a member of the relevant person's family.

Disabled child premium

9.—(1) Subject to paragraphs 11 and 12, the condition is that a child or young person for whom the relevant person or a partner of that person is responsible and who is a member of the relevant person's household—

(a) is in receipt of disability living allowance or is no longer in receipt of such allowance because they are a patient, provided that the child or young person continues to be a member of the family; or

(b) is blind or treated as blind within the meaning of paragraph 7(4); or

(c) is a child or young person in respect of whom section 145A of the 1992 Act applies for the purposes of entitlement to child benefit, but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the relevant person's applicable amount immediately before the death of that child.

(2) In paragraph (1), "patient" means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-patients) Regulations 1975.

Carer premium

10.—(1) Subject to paragraphs 11 and 12, the condition is that the relevant person or that person's partner is, or both of them are, entitled to a carer's allowance under section 70 of the 1992 Act.

(2) Where a carer premium has been awarded but—

(a) the person in respect of whose care the carer's allowance has been awarded dies; or

(b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance.