WELSH STATUTORY INSTRUMENTS

2004 No. 253 (W.28)

HOUSING, WALES

The Housing Renewal Grants (Amendment) (Wales) Regulations 2004

Made - - - -	*4th February 2004*
Coming into force - -	*9th February 2004*

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

Name and commencement

1.—(1) These Regulations are called the Housing Renewal Grants (Amendment) (Wales) Regulations 2004.

(2) These Regulations shall come into force on 9th February 2004.

Application

2. These Regulations apply to applications for grant made on or after 9th February 2004 to local housing authorities in Wales.

Amendments

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

Regulation 2

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

(a) after the definition of "the 1992 Act" insert —

(**1**) 1996 c. 53; the functions of the Secretary of State under these sections were, so far as exercisable in relation to Wales, 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 article 11 of and Schedule 3 to, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, S.I. 2002/1860 ("the 2002 Order").

(**2**) S.I. 1996/2890, amended by S.I. 1996/3119, S.I. 1997/977, 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) and S.I. 2002/2798 (W.266).

""adoption leave" means a period of absence from work on ordinary or additional adoption leave under section 75A or 75B of the Employment Rights Act 1996(**3**);";

(b) for the definition of "application" substitute —

""application", without more, means an application for grant(**4**) other than an application to which section 31 applies(**5**) and "applicant" shall be construed accordingly;";

(c) after the definition of "child benefit" insert —

""child tax credit" means a child tax credit under section 8 of the Tax Credits Act 2002;"(**6**);

(d) omit the definition of "disabled person's tax credit";

(e) after the definition of "disability living allowance" insert —

""dwelling" includes a qualifying houseboat and a qualifying park home;"(**7**);

(f) after the definition of "the Fund" insert —

""guarantee credit" shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;"(**8**);

(g) in the definition of "married couple" after "means" insert ", except in regulation 10(2)(aa), paragraph 12(b) of Schedule 2, paragraph 4(b) of Schedule 3 and paragraph 6(b) of Schedule 4,";

(h) after the definition of "partner" insert —

""parental leave" means maternity leave, paternity leave or adoption leave;

"paternity leave" means a period of absence from work on leave under section 80A or 80B of the Employment Rights Act 1996;"(**9**);

(i) after the definition of "sports award" insert —

""state pension credit" has the same meaning as in the State Pension Credit Act 2002"(**10**);

(j) in the definition of "unmarried couple" after "means" insert ", except in regulation 10(2)(aa) and paragraph 4(b) of Schedule 3";

(k) for the definition of "working families' tax credit" substitute —

""working tax credit" means a working tax credit under section 10 of the Tax Credits Act 2002;"; and

(l) after the definition of "war disablement pension" and "war widow's pension" insert —

""war widower's pension" means any widower's pension or allowance granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939,

(**3**) 1996 c. 18; sections 75A and 75B of this Act were inserted by section 3 of the Employment Act 2002 (c. 22).
(**4**) For the meaning of "grant" *see*, section 1(6) of the Housing Grants Construction and Regeneration Act 1996 ("the 1996 Act") as amended by paragraph 2 of Schedule 3 to the 2002 Order.
(**5**) Section 31 was amended by paragraph 12 to Schedule 3 to the 2002 Order.
(**6**) 2002 c. 21.
(**7**) For the meaning of "qualifying houseboat and qualifying park home" *see*, section 58 of the 1996 Act as amended by paragraph 25 of Schedule 3 to the 2002 Order.
(**8**) 2002 c. 16.
(**9**) Sections 80A and 80B of this Act were inserted by section 1 of the Employment Act 2002 (c. 22).
(**10**) *See* section 1(1) of the State Pension Credit Act 2002.

the Polish Resettlement Act 1947 or Part 7 or section 151 of the Reserve Forces Act 1980;".

Regulation 5

5. In regulation 5 (definition of relevant person) —

(a) omit paragraph (1);

(b) in paragraph (2) for the words from "in respect" to "relevant person" substitute "a relevant person in respect of an application"; and

(c) in paragraph (3) omit "sub-paragraph (a) or (b) of paragraph (1), or".

Regulation 7

6. In regulation 7 (remunerative work) —

(a) in paragraph (6), after "income support" insert ", state pension credit"; and

(b) in paragraph (7) for "maternity leave" substitute "parental leave".

Regulation 10

7. In regulation 10 (the applicable amount)(**11**) —

(a) in paragraph (1)(b) —

(i) for "£52.27" substitute "£53.79";

(ii) for "£67.95" substitute "£69.92"; and

(iii) omit "disabled facilities"; and

(b) in paragraph (2) after sub-paragraph (a) insert —

"(aa) as regards

(i) a relevant person who is in receipt of guarantee credit; and

(ii) those relevant persons who are members of a married or unmarried couple (within the meaning of the State Pension Credit Act 2002), the other member of which is in receipt of guarantee credit,

is £1;"(**12**).

Regulation 12

8. In regulation 12 (reduction in amount of grant) —

(a) in paragraph (1), for "owner-occupation certificate" substitute "owner's certificate";

(b) in paragraph (2), after "tenant's certificate" insert "or occupier's certificate"(**13**).

Regulation 13

9. In regulation 13 (successive applications) —

(a) in paragraph (2), omit "or section 32(4) of the Act (apportionment in tenants' common parts application)";

(**11**) Regulation 10 was amended by S.I. 1998/808, S.I. 2000/973, S.I. 2001/2073 (W.145) and S.I. 2002/2798 (W.266).

(**12**) 2002 c. 16; for the meaning of "married" or "unmarried" couple *see*, section 17(1) and (2)(a).

(**13**) For the meaning of "occupier's certificate" *see*, section 22A of the 1996 Act, as inserted by paragraph 6 of Schedule 3 to the 2002 Order.

(b) in paragraph (3)(a), omit "disabled facilities", in the second place where these words appear; and

(c) in paragraph (3)(b), after "tenant's certificate" insert "or occupier's certificate".

Regulation 18

10. In regulation 18(1ZA) (determination of income on a weekly basis)(**14**), for "working families' tax credit or disabled person's tax credit" substitute "working tax credit or child tax credit".

Regulation 19

11. In regulation 19 (treatment of child care charges)(**15**) —

(a) for paragraph (9) substitute —

"(9) For the purposes of paragraph (1) a person on parental leave shall be treated as if engaged in remunerative work for the period specified in sub-paragraph (b) ("the relevant period") provided that —

(a) in the week before the period of leave began the person was in remunerative work;

(b) the relevant person incurred relevant child care charges in that week; and

(c) the person on leave is entitled to parental support.

(9A) For the purposes of paragraph (9) the relevant period shall begin on the day on which the person's parental leave commences and shall end on—

(a) the date that leave ends;

(b) if no tax credit is in payment on the date that entitlement to parental support ends, the date that entitlement ends; or

(c) if a tax credit is in payment on the date that entitlement to parental support ends, the date that entitlement to that award of tax credit ends,

whichever shall occur first.

(9B) In paragraphs (9) and (9A) —

(a) "parental support" means —

(i) statutory maternity pay under section 164 of the 1992 Act,

(ii) statutory paternity pay under section 171ZA or section 171ZB of that Act,

(iii) statutory adoption pay under section 171ZA of that Act,

(iv) maternity allowance under section 35 of that Act, and

(v) income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987"(**16**); and

(b) "tax credit" means —

(i) working tax credit; and

(ii) child tax credit."; and

(b) in paragraph (10), for "woman on maternity leave" substitute "person on parental leave".

(**14**) Regulation 18 paragraph (1ZA) was inserted by S.I. 2001/2073.
(**15**) Regulation 19, paragraph (9) was inserted by S.I. 2002/2798.
(**16**) S.I. 1987/1967, amended by S.I. 1996/206 and S.I. 2003/455.

Regulation 24

12. In regulation 24(1)(j) (earning of employed earners), for "maternity leave" substitute "parental leave".

Regulation 30

13. In regulation 30 (capital treated as income) —

(a) at the end of paragraph (a), omit "and"; and

(b) after paragraph (b) add —

"; and

(c) any payment made in consequence of any personal injury to a relevant person pursuant to any agreement or court order, where such payments are to be made, wholly or partly, by way of periodical payments.".

Regulation 31

14. In regulation 31 (notional income) —

(a) omit paragraph (11); and

(b) in paragraph (12), omit "and (11)".

Regulation 40

15. In regulation 40 (determination of tariff income from capital) —

(a) for paragraph (1) substitute —

"(1) Where the relevant person's capital determined in accordance with this Chapter and Chapters 4 to 8 exceeds £6000 it shall be treated as equivalent to a weekly tariff income of —

(a) where the relevant person is aged under 60, £1 for each complete £250 in excess of £6000; and

(b) where the relevant person is aged 60 or over, £1 for each complete £500 in excess of £6000.";

(b) in paragraph (2), after "£250" insert " or £500, as the case may be".

Regulation 43

16. In regulation 43 (determination of grant income)(**17**) —

(a) in paragraph (3)(a)(**18**) for "£260" substitute "£270";

(b) in paragraph (3)(b) for "£319" substitute "£340"; and

(c) after paragraph (3A)(d) add —

"(e) any grant paid under the Schedule to the Education (Assembly Learning Grant Scheme) (Wales) Regulations 2002; and

(f) any grant paid under regulation 15(7) of the Education (Student Support) (No. 2) Regulations 2002."(**19**).

(**17**) Regulation 43 was amended by S. I. 1998/808, S.I. 1999/1523, S.I. 2000/973 (W.43), S.I. 2001/2073 (W.145) and S.I. 2002/2798.
(**18**) Paragraph (3) was amended by S.I. 2000/973 (W.43), S.I. 2001/2073 and S.I. 2002/2798.
(**19**) S.I. 2002/3200. S.I. 2002/1857 (W.181), as amended by S.I. 2002/2814.