WELSH STATUTORY INSTRUMENTS

2002 No. 2798 (W.266)

HOUSING, WALES

The Housing Renewal Grants (Amendment) (Wales) Regulations 2002

Made - - - -	*12th November 2002*
Coming into force - -	*13th November 2002*

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, commencement and application

1.—(1) These Regulations are called the Housing Renewal Grants (Amendment) (Wales) Regulations 2002 and they shall come into force on 13th November 2002.

(2) These Regulations apply to Wales only and shall not have effect in relation to applications for grant made before the date on which these Regulations come into force.

Amendments

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

Regulation 2

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

(a) in paragraph (b) of the definition of "attendance allowance", after "104" insert "or 105";

(b) in the definition of "income-based jobseeker's allowance" for "means an income-based jobseeker's allowance within" substitute "and "a joint-claim jobseeker's allowance" have the same meaning as they have in"

(c) after "the Independent Living Funds" insert—

(**1**) 1996 c. 53. The functions of the Secretary of State have been transferred to the National Assembly for Wales. *See* 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.

(**2**) S.I. 1996/2890, amended by S.I. 1996/3119, 1997/977, 1998/808, 1999/1523, 1999/3468 (W.54), 2000/973 (W.43), 2001/2073 (W.145) and 2001/4007 (W.333).

""Intensive Activity Period for 50 plus" means the programme known by that name and provided in pursuance of arrangements made by or on behalf of the Secretary of State under section 2 of the Employment and Training Act 1973(**3**), being a programme lasting for up to 52 weeks for any one individual aged 50 years or over on the day that he or she first joined any such programme, and consisting for that individual of any one or more of the following elements, namely assistance in pursuing self-employed earner's employment, education and training, work experience, assistance with job search, motivation and skills training;";

(d) after "net profit" insert—

""the New Deal Options" means the employment programmes specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996(**4**) and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;";

(e) in paragraph (b) of the definition of "self-employment route"(**5**), for the words "an employment zone programme" substitute the following—

"—

(i) an employment zone programme;

(ii) a course of training or instruction funded by or on behalf of the Secretary of State for Work and Pensions, National Assembly for Wales, Scottish Enterprise or Highlands and Islands Enterprise;

(iii) the Intensive Activity Period specified in regulation 75(1)(a)(iv) of those Regulations; or

(iv) the Intensive Activity Period for 50 plus.".

Regulation 9

4. In regulation 9 (circumstances in which a person is to be treated as being or not being a member of the household)—

(a) in paragraph (3), for "A child" substitute "Subject to paragraph (3A), a child";

(b) after paragraph (3) insert—

"(3A) Paragraph (3) shall not apply in any case where a child or young person—

(a) has been placed with the relevant person or his or her partner by a local authority under section 23(2)(a) of the Children Act 1989(**6**), and

(b) in accordance with regulation 8(2)(a) is to be treated for the purposes of paragraph (1) of that regulation as normally living with the relevant person or his or her partner.".

Regulation 10

5. In paragraph (1) of regulation 10 (the applicable amount)(**7**), in sub-paragraph (b), for "£51.60" substitute "£52.27" and for "£67.08" substitute "£67.95".

(**3**) 1973 c. 50.
(**4**) S.I. 1996/207.
(**5**) The definition of "self-employment route" was inserted by S.I. 2001/2073 (W.145).
(**6**) 1989 c. 41.
(**7**) Regulation 10 was amended by S.I. 1998/808, 2000/973 (W.43) and 2001/2073 (W.145).

Regulation 12

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

(a) in paragraph (1)(a), for "£18.10" substitute "£19.97";

(b) in paragraph (1)(b), for "£36.20" substitute "£39.94";

(c) in paragraph (1)(c), for "£144.82" substitute "£159.76";

(d) in paragraph (1)(d), for "£362.04" substitute "£399.41";

(e) in paragraph (2)(a), for "£10.65" substitute "£11.27";

(f) in paragraph (2)(b), for "£21.29" substitute "£22.53";

(g) in paragraph (2)(c), for "£85.18" substitute "£90.13";

(h) in paragraph (2)(d), for "£212.95" substitute "£225.32".

Regulation 14

7. In paragraph (b) of regulation 14 (applicable amounts) for "£5,000" substitute "£6,000".

Regulation 18

8. In paragraph (1A)(**9**) of regulation 18 (determination of income on a weekly basis)—

(a) in sub-paragraph (a), for "£70" substitute "£94.50"; and

(b) in sub-paragraph (b), for "£105" substitute "£140".

Regulation 19

9. In regulation 19 (treatment of child care charges) after paragraph (8)(**10**) insert—

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

(i) in the week before the period of maternity leave began she was in remunerative work;

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

(iii) she is entitled to either statutory maternity pay under section 164 of the 1992 Act or maternity allowance under section 35 of that Act;

(b) for the purposes of sub-paragraph (a) the relevant period shall begin on the day on which the woman's maternity leave commences and shall end on—

(i) the date that leave ends;

(ii) if no tax credit is in payment on the date that entitlement to maternity allowance or statutory maternity pay ends, the date that entitlement ends; or

(iii) if a tax credit is in payment on the date that entitlement to maternity allowance or statutory maternity pay ends, the date that entitlement to that award of the tax credit ends,

whichever shall occur first;

(c) in this paragraph "tax credit" means either working families' tax credit or a disabled person's tax credit provided that a childcare tax credit under either

(**8**) Regulation 12 was amended by S.I. 1997/977, 1998/808, 1999/1523, and 2000/973 (W.43).
(**9**) Paragraph (1A) was inserted by S.I. 1998/808 and amended by S.I. 2000/973 (W.43).
(**10**) Paragraphs (5), (6), (7) and (8) were added by S.I. 1999/3468 (W.54) and paragraph (7) was amended by S.I. 2001/2073 (W.145).

regulation 46(1)(ab) of the Family Credit (General) Regulations 1987(**11**) or, as the case may be, regulation 51(1)(aa) of the Disability Working Allowance (General) Regulations 1991(**12**) forms part of the entitlement of either of those credits.

(10) Where paragraph (9) applies to a woman on maternity leave any child care charges in respect of the child to whom the maternity leave relates shall not be treated as relevant child care charges for the purposes of this regulation and regulation 18.".

Regulation 31

10. In regulation 31 (notional income)—

(a) in paragraph (9A)(**13**), after sub-paragraph (c)(ii) insert—

"(iia) in the Intensive Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or in the Intensive Activity Period for 50 plus; or";

(b) in paragraph (10A)(**14**), at the end of sub-paragraph (b)(i) add—

", other than where the service is performed in connection with the relevant person's participation in the Intensive Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or in the Intensive Activity Period for 50 plus".

Regulation 38

11. In paragraph (3A)(**15**) of regulation 38 (notional capital) after sub-paragraph (b)(ii) insert—

"(iia) in the Intensive Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or in the Intensive Activity Period for 50 plus;".

Regulation 41

12. In regulation 41 (interpretation of Part II)(**16**)—

(a) immediately before the definition of "access funds"(**17**) insert—

""academic year" means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;";

(b) in the definition of "access funds"—

(i) in paragraph (a), for "and described as "access bursary funds" or "hardship funds"" substitute "for the purposes of providing funds on a discretionary basis to be paid to students";

(ii) after paragraph (c) add—

"or

(**11**) S.I. 1987/1973 as amended by S.I. 1999/2487.
(**12**) S.I. 1991/2887 as amended by S.I. 1999/2487.
(**13**) Paragraph (9A) was substituted by S.I. 1999/1523 and amended by S.I. 2000/973 (W.43).
(**14**) Paragraph (10A) was inserted by S.I. 1999/1523 and amended by S.I. 2001/2073 (W.145).
(**15**) Paragraph (3A) was inserted by S.I. 1999/1523 and amended by S.I. 2000/973 (W.43).
(**16**) Regulation 41 was amended by S.I. 1999/1523, 2000/973 (W.43) and 2001/2073 (W.145).
(**17**) The definition of "access funds" was inserted by S.I. 2001/2073 (W.145).

(d) discretionary payments, known as "learner support funds", which are made payable to students in further education by institutions out of funds provided by the Learning and Skills Council for England under sections 5, 6 and 9 of the Learning and Skills Act 2000(**18**) or discretionary payments made from funds known as "Financial Contingency Funds" paid to students by the National Council for Education and Training for Wales under sections 34, 35 and 37 of the Learning and Skills Act 2000".

(c) in the definition of "contribution"(**19**)—

(i) after "Secretary of State" in the first place where those words appear, insert ", the Scottish Ministers";

(ii) for "Secretary of State" in the other two places where those words appear, substitute "the Scottish Ministers";

(d) omit the definition of "the FEFC";

(e) in the definition of "full-time course of study"—

(i) in paragraph (a), from "the FEFC" to the end substitute "the Learning and Skills Council for England(**20**) or by the National Council for Education and Training for Wales(**21**) or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers";

(ii) for paragraph (b) substitute—

"(b) is funded in whole or in part by the Learning and Skills Council for England or by the National Council for Education and Training for Wales if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out —";

(i) in the case of a course funded by the Learning and Skills Council for England, in his or her learning agreement signed on behalf of the establishment which is funded by that Council for the delivery of that course; or

(ii) in the case of a course funded by the National Council for Education and Training for Wales in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or"

(iii) in paragraph (c) for "Secretary of State for Scotland", substitute "Scottish Ministers";

(f) at the end of the definition of "student loan(**22**)" add "and shall include, in Scotland, a young student's bursary paid under regulation 4(1)(c) of the Students' Allowances (Scotland) Regulations 1999(**23**)";

(g) omit the definition of "year"(**24**).

(**18**) 2000 c. 21.
(**19**) The definition of "contribution" was amended by S.I. 1999/1523 and 2000/973 (W.43).
(**20**) The Council was established by section 1 of the Learning and Skills Act 2000.
(**21**) The Council was established by section 30 of the Learning and Skills Act 2000.
(**22**) The definition of "student loan" was inserted by S.I. 2000/973 (W. 43).
(**23**) S.I. 1999/1131 (S.91).
(**24**) The definition of "year" was substituted by S.I. 2000/973 (W.43).