

**EXPLANATORY MEMORANDUM TO  
THE HOUSING RENEWAL GRANTS (AMENDMENT) (ENGLAND)  
REGULATIONS 2005**

**2005 No. 3323**

**AND**

**THE HOUSING RENEWAL GRANTS (PRESCRIBED FORM AND PARTICULARS)  
(ENGLAND) (AMENDMENT) REGULATIONS 2005**

**2005 No. 3326**

**1.** This explanatory memorandum has been prepared by the Office of the Deputy Prime Minister and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 These two instruments (the Housing Renewal Grants (Amendment) (England) Regulations 2005 (“the amending Regulations”) and the Housing Renewal Grants (Prescribed Form and Particulars) (Amendment) (England) Regulations (“the forms Regulations”)) are made together as they deal with closely related subject matter. The amending Regulations make changes to the means test for disabled facilities grant (the only form of housing renewal grant which remains on the statute book) which is set out in the Housing Renewal Grants Regulations 1996 (S.I. 1996/2890) (“the principal Regulations”). The principal regulations were made under section 30 of the Housing Grants, Construction and Regeneration Act 1996 (1996 c. 53).

2.2 Applications for such grant are required to be made on a form prescribed under section 2 of that Act, by the Housing Renewal Grants (Prescribed Forms) Regulations 1996 (S.I. 1996/2891) (“the prescribing Regulations”). The forms Regulations amend the prescribing regulations themselves in one respect, as well as the prescribed form and the notes to that form.

2.3 Many of the changes to the principal Regulations made by the amending Regulations are consequential upon changes made by parallel legislation dealing with housing benefit, upon which the means test in the principal Regulations was originally based. However, one change of particular interest which does not follow from housing benefit is the new regulation 5 of the principal Regulations, substituted by regulation 6 of the amending Regulations. The effect of this new regulation is that when the amending Regulations come into force, the means test will no longer apply where the application for grant is made by or on behalf of a disabled child or young person. The new means test provision will apply to applications which fall to be approved by the local authority after the date when the new regulations come into force.

2.4 The amending regulations also bring in a disregard for interim assistance grant paid by the London Bombings Relief Charitable Fund for the immediate need faced by the relevant person involved in the terrorist attacks carried out in London on 7<sup>th</sup> July 2005. Amendments are also made where the 1996 Regulations apply in relation to relevant persons who have attained, or whose partner has obtained, the qualifying age for state pension credit. The amending regulations also include some minor changes relating to the Civil Partnership Act 2004. The forms regulations make minor changes to some of the questions asked in the prescribed form for the means test. The definition of a ‘qualifying park home’ is being changed to ‘caravan’ to reflect a change made in the Housing Act 2004.

2.5 Other changes both to the principal Regulations and to the prescribing regulations are consequential upon the introduction of civil partnerships by the Civil Partnerships Act 2004 (2004 c.33). These changes will mean that same sex partners will receive the same treatment under the means test as partners of the opposite sex.

2.6 In the prescribing regulations, the actual element of prescription is relaxed by the amendment made by regulation 3 of the forms regulations. This will permit local authorities to produce their own version of the prescribed form so long as it has the same effect.

### **3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

### **4. Legislative Background**

4.1 The Housing Renewals, Construction and Regeneration Act 1996 (“the Act”) introduced various forms of grant for improvement of housing stock including grant to provide better facilities for disabled occupants (“disabled facilities grant”). Following extensive amendments made to the Act by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860, disabled facilities grant is the only form of such grant which is now available.

4.2 The scheme by which disabled facilities grant is made available is contained in the principal Regulations, which in turn consolidated, with modifications, the Housing Renovation etc. Grants (Reduction of Grant) Regulations 1994 (S.I. 1994/648). Part 2 of those Regulations sets out the detail of a means test to be applied to determine the means of a “relevant person” as defined in regulation 5 (now substituted by regulation 3 of the amending regulations). The means test is modelled on, but does not entirely replicate, the means test for housing benefit which was originally contained in the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971).

4.3 Recent changes made to the latter in respect of their application to persons who have reached the qualifying age for state pension credit are reflected in regulation 3 of the amending Regulations, whereby the principal regulations apply with modifications in the case of such persons.

4.4 In addition to the changes made to the scope and application of the means test, and the up-rating of amounts involved in the calculation of an individual’s financial resources for the purposes of that test, the amending Regulations make changes to defined terms in the principal Regulations which are consequential upon the Civil

Partnerships Act 2004 and upon amendments made to the Act by section 224 of the Housing Act 2004 (2004 c.34).

4.5 The prescribing Regulations prescribe the form to be used for applications for disabled facilities grant to which section 30 of the Act (means testing) applies, and also the particulars to be contained in such applications. That form and those particulars are amended by the forms Regulations, in line with the changes made by the amending Regulations.

## **5. Extent**

These instruments apply to England.

## **6. European Convention on Human Rights**

As the instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

## **7. Policy background**

The increases to the allowances and premiums is a routine change which takes into account the changes in costs and prices since the previous update in 2003. The exemption from the means test for applications in respect of disabled children and young persons is part of a major review of DFG policy. Ministers announced this to Parliament in a written statement on 27 October 2005. This announcement included the publication of an independent report by Bristol University of the DFG programme with recommendations for change. The announcement said that Ministers would make the change for applications from disabled children from December 2005 and undertook to publish early in 2006 a Government consultation paper setting out the full Government response to the Bristol report and further proposals for change. The exemption from the DFG means test for disabled children has already been brought into effect in Northern Ireland and Wales through separate secondary legislation.

## **8. Impact**

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

## **9. Contact**

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