

2008 No. 3104

HOUSING, ENGLAND

**The Housing Renewal Grants (Amendment) (No. 2) (England)
Regulations 2008**

<i>Made</i>	- - - -	<i>3rd December 2008</i>
<i>Laid before Parliament</i>		<i>9th December 2008</i>
<i>Coming into force</i>	- -	<i>31st December 2008</i>

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 30 and 146 of the Housing Grants, Construction and Regeneration Act 1996(a), and with the consent of the Treasury, makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Housing Renewal Grants (Amendment) (No. 2) (England) Regulations 2008 and shall come into force on 31st December 2008.

(2) These Regulations apply to applications for grants which fall to be approved on or after 31st December 2008 by local housing authorities in England.

Amendment of the Housing Renewal Grants Regulations 1996

2. The Housing Renewal Grants Regulations 1996(b) are amended in accordance with regulation 3.

3.—(1) Schedule 3 is amended as follows—

(a) after paragraph 4A insert—

“**4B.** Any amount of working tax credit or child tax credit paid to a relevant person.”;

(b) after paragraph 50 insert—

“**50A.** Where a member of the armed forces is—

(a) in receipt of retired pay or a pension under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006(c) and the retired pay or

(a) 1996 c. 53. The powers conferred by sections 30 and 146 of the Housing Grants, Construction and Regeneration Act 1996 are exercisable, as respects England, by the Secretary of State. As respects Wales, these powers are now vested in the Welsh Ministers. They were previously 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; see the entry in Schedule 1 for the Housing Grants, Construction and Regeneration Act 1996. 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.

(b) S.I. 1996/2890. Relevant amending instruments are 2003/2504, S.I. 2005/3323 and S.I. 2008/1190.

(c) S.I. 2006/606, amended by S.I. 2006/1455, S.I. 2007/909 and S.I. 2008/679.

pension is in respect of disablement the degree of which is not less than eighty per cent(a); and

(b) in receipt of constant attendance allowance payable under article 8 of that Order,

any such retired pay, pension or constant attendance allowance paid to that member pursuant to that Order.

50B. Any guaranteed income payment payable under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(b) where the guaranteed income payment relates to an injury that falls within any of levels 1 to 6 of the tariff set out in any of Tables 1 to 9 in Schedule 4 to that Order.”.

(2) Schedule 4 is amended as follows—

(a) for paragraph 6 substitute—

“6. Where a relevant person—

(a) is in receipt of income support, income based job-seeker’s allowance, guarantee credit, housing benefit or council tax benefit; or

(b) is a member of a couple and the other member of that couple is in receipt of guarantee credit,

the whole of his capital.”;

(b) in paragraph 9 for sub-paragraph (f) substitute—

“(f) any working tax credit or child tax credit.”;

(c) after paragraph 66 insert—

“67. Any lump sum, additional multiple injury lump sum or additional lump sum paid pursuant to the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 where the payment relates to an injury that falls within any of levels 1 to 6 of the tariff set out in any of Tables 1 to 9 in Schedule 4 to that Order.”.

Signed by authority of the Secretary of State for Communities and Local Government

3rd December 2008

Kay Andrews
Parliamentary Under Secretary of State
Department for Communities and Local Government

We consent,

Frank Roy

Steve McCabe

3rd December 2008

Two of the Lords Commissioners of her Majesty’s Treasury

(a) Article 42 of, and Part 5 of Schedule 1 and paragraph 6 of Part 1 of Schedule 4 to, the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006 defines the degree of disablement by reference to the injury or disablement sustained.

(b) S.I. 2005/439. Relevant amending instruments are S.I. 2006/1438, S.I. 2008/39, S.I. 2008/2160 and S.I. 2008/2942.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend (in relation to England) the Housing Renewal Grants Regulations 1996 (S.I. 1996/2890) (“the 1996 Regulations”), which set out the means test for determining the amount of grant which may be paid by local housing authorities under Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996.

Schedule 3 to the 1996 Regulations lists sums to be disregarded in the determination of income other than earnings, and Schedule 4 lists the capital to be disregarded in the determination of capital.

Schedules 3 and 4 to the 1996 Regulations are amended by regulations 2 and 3(1)(a) and 3(2)(b) of these Regulations so that any payments of working tax credit or child tax credit are to be disregarded in the determination of income other than earnings or capital. Regulation 3(2)(a) corrects a drafting error made in regulation 4(8)(a) of the Housing Renewal Grants (Amendment) (England) Regulations 2008 (S.I. 2008/1190).

Regulations 2 and 3(1)(b) amend Schedule 3 to the 1996 Regulations by inserting a new paragraph 50A, the effect of which is that where a member of the armed forces receives specified retired pay or a pension under the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006 and constant attendance allowance, the amounts so received are disregarded in the determination of income other than earnings. Regulation 3(1)(b) also inserts a new paragraph 50B into Schedule 3, the effect of which is that any guaranteed income payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 which relates to an injury that falls within any of levels 1 to 6 of the tariff set out in any of Tables 1 to 9 in Schedule 4 to that Order, is to be disregarded in the determination of income other than earnings.

Regulations 2 and 3(2)(c) amend Schedule 4 to the 1996 Regulations so that any lump sum, additional multiple injury lump sum or additional lump sum paid under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005, which is attributable to an injury that falls within any of levels 1 to 6 of the tariff set out in any of Tables 1 to 9 in Schedule 4 to that Order, is to be disregarded in the determination of capital.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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£4.00