

2013 No. 3138 (W. 311)

HOUSING, WALES

**The Housing Renewal Grants
(Amendment) (Wales) (No. 2)
Regulations 2013**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make consequential amendments to the Housing Renewal Grants Regulations 1996 to deal with the impact of armed forces independence payment on means testing for receipt of disabled facilities grants.

These include: amendments concerning the reduction of assessed income to take account of child care payments, amendments concerning the entitlement to certain premiums where disabled persons or members of their household are in receipt of armed forces independence payment, and an amendment to disregard armed forces independence payment in calculating income other than earnings.

Armed forces independence payment applies to the disabled child premium where the young person concerned is old enough to be employed in the armed forces.

2013 No. 3138 (W. 311)

HOUSING, WALES

**The Housing Renewal Grants
(Amendment) (Wales) (No. 2)
Regulations 2013**

Made 10 December 2013

Laid before the National Assembly for Wales
12 December 2013

Coming into force 29 January 2014

The Welsh Ministers, 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⁾, transferred to the National Assembly for Wales⁽²⁾ and now vested in them⁽³⁾ make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Housing Renewal Grants (Amendment) (Wales) (No.2) Regulations 2013 and they come into force on 29 January 2014.

(2) These Regulations apply in relation to Wales.

⁽¹⁾ 1996 c.53.

⁽²⁾ Powers of the Secretary of State under sections 30, 146(1) and 146(2) of the Housing Grants, Construction and Regeneration Act 1996 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).

⁽³⁾ Powers of the National Assembly for Wales under sections 30, 146(1) and 146(2) of the Housing Grants, Construction and Regeneration Act 1996 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

Amendment of the Housing Renewal Grants Regulations 1996

2.—(1) The Housing Renewal Grants Regulations 1996⁽¹⁾ are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1)⁽²⁾ (interpretation) at the appropriate place insert—

““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011⁽³⁾”.

(3) In regulation 19 (treatment of child care charges)⁽⁴⁾—

(a) after paragraph (3)(d)(viii) insert—

“(ix) armed forces independence payment”;

(b) omit “or” at the end of paragraph (8)(b)(iii); and

(c) after paragraph (8)(b)(iv) insert—

“; or

(v) in respect of whom armed forces independence payment is payable.”

(4) In Schedule 1 (applicable amounts)—

(a) in paragraph 12(1)(a)(i) (additional condition for the higher pensioner and disability premiums) after “disability living allowance” insert “; armed forces independence payment”;

(b) in paragraph 13 (severe disability premium)—

(i) in sub-paragraph (2)(a)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;

(ii) in sub-paragraph (2)(b)(i) after “section 78(3) of the 2012 Act⁽⁵⁾” insert “or armed forces independence payment”;

and

(iii) after sub-paragraph (5)(c) insert—

“; or

(d) a person receiving armed forces independence payment”;

(1) S.I. 1996/2890 was amended in relation to Wales by S.I. 2004/253 (W.28), S.I. 2006/2801 (W.240), S.I. 2010/297 (W.39) and S.I. 2013/552 (W.62). There are other amendments which are not relevant to these Regulations.

(2) Regulation 2(1) was amended by S.I. 2013/552 (W.62) and in relation to Wales by S.I. 2004/253 (W.28).

(3) S.I. 2011/517.

(4) Regulation 19(3) was amended by S.I. 2013/552 (W.62). Regulation 19(3)(d) was amended in relation to Wales by S.I. 2010/297 (W.39).

(5) “the 2012 Act” is defined in the Principal Regulations as “the Welfare Reform Act 2012.”

- (c) in paragraph 13A (enhanced disability premium)(1), after sub-paragraph (c) insert—
 - “; or
 - (d) armed forces independence payment is payable,”;
- (d) in paragraph 14 (disabled child premium), after sub-paragraph (1)(d) insert—
 - “; or
 - (e) is a young person who is in receipt of armed forces independence payment”;
- (e) in paragraph 15(2)(b) (carer premium)(2) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”.

(5) In Schedule 1A (applicable amounts for persons who have attained or whose partner has attained the qualifying age for state pension credit)(3)—

- (a) in paragraph 7 (severe disability premium)—
 - (i) in sub-paragraph (2)(a)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
 - (ii) in sub-paragraph (2)(b)(i) after “section 78(3) of the 2012 Act” insert “or armed forces independence payment”;
 - (iii) after sub-paragraph (5)(c) insert—
 - “or
 - (d) a person receiving armed forces independence payment”;
- (b) in paragraph 8 (enhanced disability premium) after sub-paragraph (b) insert—
 - “or
 - (c) in respect of a young person, armed forces independence payment is payable,”;
- (c) in paragraph 9 (disabled child premium) after sub-paragraph (1)(d) insert—
 - “; or
 - (e) is a young person in receipt of armed forces independence payment.”

(6) In Schedule 3 (sums to be disregarded in the determination of income other than earnings), in paragraph 5, after “disability living allowance” insert “, armed forces independence payment”.

(1) Paragraph 13A was substituted in relation to Wales by S.I. 2010/297(W.39).
 (2) Paragraph 15(2) was amended by S.I.2013/552 (W.62) and in relation to Wales by S.I.2004/253 (W.28).
 (3) Schedule 1A was amended by S.I. 2013/552 (W.62), having been inserted in relation to Wales by S.I. 2006/2801(W.240)

Cael Sargeant

Minister for Housing and Regeneration, one of the
Welsh Ministers

10 December 2013