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S T A T U T O R Y      I N S T R U M E N T S

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**2002 No. 530**

**HOUSING, ENGLAND**

**The Housing Renewal Grants (Amendment) (England)  
Regulations 2002**

<i>Made - - - -</i>	<i>6th March 2002</i>
<i>Laid before Parliament</i>	<i>11th March 2002</i>
<i>Coming into force</i>	<i>1st April 2002</i>

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred upon him by sections 30 and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996(a) and of all other powers enabling him in that behalf, and with the consent of the Treasury, hereby makes the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Housing Renewal Grants (Amendment) (England) Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations extend to England only.

**Amendments**

2. The Housing Renewal Grants Regulations 1996(b) 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—

““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(c), 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

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(a) 1996 c.53; the functions of the Secretary of State under these sections are, 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.  
(b) 1996/2890, amended by S.I. 1996/3119, 1997/977, 1998/808, 1999/1523, 1999/2568, 2000/531, 2000/910, 2001/739 and 2001/2384.  
(c) 1973 c.50.

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<sup>(a)</sup> 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”<sup>(b)</sup>, 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, the National Assembly for Wales, Scottish Enterprise or Highland 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 partner by a local authority under section 23(2)(a) of the Children Act 1989<sup>(c)</sup>, 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 partner.”

#### **Regulation 10**

5. In paragraph (1) of regulation 10 (the applicable amount)<sup>(d)</sup>, in sub-paragraph (b), for “£51.60” substitute “£52.27” and for “£67.08” substitute “£67.95”.

#### **Regulation 12**

6. In regulation 12 (reduction in amount of grant)<sup>(e)</sup>—

- (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”;

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(a) S.I. 1996/207.

(b) The definition of “self-employment route” was inserted by S.I. 2001/739.

(c) 1989 c.41.

(d) Regulation 10 was amended by S.I. 1998/808, 2000/910 and 2001/739.

(e) Regulation 12 was amended by S.I. 1997/977, 1998/808, 1999/1523, and 2000/531.

- (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)(a) 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)(b) insert—
  - “(9) (a) 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 regulation 46(1)(ab) of the Family Credit (General) Regulations 1987(c) or, as the case may be, regulation 51(1)(aa) of the Disability Working Allowance (General) Regulations 1991(d) forms part of the entitlement to 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)(e), 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”;

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(a) Paragraph (1A) was inserted by S.I. 1998/808 and amended by S.I. 2000/531.

(b) Paragraphs (5), (6), (7) and (8) were added by S.I. 1999/2568 and paragraph (7) was amended by S.I. 2001/739.

(c) S.I. 1987/1973 as amended by S.I. 1999/2487.

(d) S.I. 1991/2887 as amended by S.I. 1999/2487.

(e) Paragraph (9A) was substituted by S.I. 1999/1523 and amended by S.I. 2000/531.

(b) in paragraph (10A)(a), 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)(b) 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)(c)—

(a) immediately before the definition of “access funds”(d) 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 purpose of providing funds on a discretionary basis to be paid to students”;

(ii) after paragraph (c) add—

“or

(d) discretionary payments, known as “learner support funds”, which are made available 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(e);”;

(c) in the definition of “contribution”(f)—

(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 “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”(g) or by the National Council for Education and Training for Wales(h) 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”;

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(a) Paragraph (10A) was inserted by S.I. 1999/1523 and amended by S.I. 2001/739.

(b) Paragraph (3A) was inserted by S.I. 1999/1523 and amended by S.I. 2000/531.

(c) Regulation 41 was amended by S.I. 1999/1523, 2000/531 and 2001/739.

(d) The definition of “access funds” was inserted by S.I. 2001/739.

(e) 2000 c.21.

(f) The definition of “contribution” was amended by S.I. 1999/1523 and 2000/531.

(g) The Council was established by section 1 of the Learning and Skills Act 2000.

(h) The Council was established by section 30 of the Learning and Skills Act 2000.

(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 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(a)” add “and shall include, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 1999(b)”;

(g) omit the definition of “year”(c).

### Regulation 43

13. In regulation 43 (determination of grant income)(d)—

(a) in paragraph (3)(a)(e) for “£255” substitute “£260”;

(b) for paragraph (3)(b) substitute—

“(b) the sum of £319 towards the costs of books and equipment.”;

(c) after paragraph (3) insert—

“(3A) There shall also be excluded from a student’s grant income—

(a) any grant of £250 for an only or eldest dependent child payable under regulation 15(1)(c) of the Education (Student Support) Regulations 2001(f);

(b) any grant of £500 in respect of expenditure on travel, books and equipment for the purpose of attending his course which is payable under regulation 15(8) of those Regulations;

(c) any grant for child care costs payable under regulation 16 of those Regulations;

(d) any grant in respect of a lone parent’s child care costs which is payable under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 1999 and which is specified as such on the student’s award notice.”;

(d) In paragraph (5)(g) after “Any” insert “grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968(h) (grants in respect of the provision of instruction to officers of hospital authorities) and any”.

### Regulation 46

14. In regulation 46 (treatment of student loans)(i)—

(a) in paragraph (2)(j) after paragraph (a) insert—

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(a) The definition of “student loan” was inserted by S.I. 2000/531.

(b) S.I. 1999/1131 (S.91).

(c) The definition of “year” was substituted by S.I. 2000/531.

(d) Regulation 43 was amended by S.I. 1998/808, 1999/1523, 2000/531 and 2001/739.

(e) Paragraph (3) was amended by S.I. 2000/531 and 2001/739.

(f) S.I. 2001/951.

(g) Paragraph (5) was inserted by S.I. 2001/739.

(h) 1968 c.46.

(i) Regulation 46 was amended by S.I. 2000/531 and 2001/739.

(j) Paragraph (2) was inserted by S.I. 2001/739.

“(aa) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the benefit week immediately following that which includes the first day of that academic year and ending with the benefit week which includes the last day of that academic year but excluding any benefit weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, “quarter” shall have the same meaning as that given by the definition in regulation 2 of the Education (Student Support) Regulations 2001;”;

(b) in paragraph (5)(a)(a), for “£255” substitute “£260”;

(c) for paragraph (5)(b) substitute—

“(b) the sum of £319 towards the costs of books and equipment.”.

### Schedule 1

**15.**—(1) In paragraph 1 of Part I of Schedule I (applicable amounts: personal allowances)(b) in the column headed “(2) *Amount*”—

(a) in sub-paragraph 1(a), for “£42.00” substitute “£42.70”;

(b) in sub-paragraph 1(b), for “£53.05” substitute “£53.95”;

(c) in sub-paragraph 2(a), for “£42.00” substitute “£42.70”;

(d) in sub-paragraph 2(b), for “£53.05” substitute “£53.95”;

(e) in sub-paragraph 3(a), for “£63.35” substitute “£64.45”;

(f) in sub-paragraph 3(b), for “£83.25” substitute “£84.65”.

(2) In paragraph 2 of Part I of Schedule I, in the column headed “(2) *Amount*”—

(a) in sub-paragraph (a), for “£31.45” substitute “£33.50”; and

(b) in sub-paragraph (b), for “£32.25” substitute “£34.30”.

(3) In paragraph 3(1) of Part II of Schedule 1 (applicable amounts: family premium), for “£14.50” substitute “£14.75”.

(4) In Part III of Schedule 1 (applicable amounts: premiums),—

(a) after paragraph 10, insert—

#### “Bereavement premium

**10A.**—(1) The condition is that the relevant person—

(a) had, as at 9th April 2001, attained the age of 55 but not the age of 60;

(b) was in receipt of, but is no longer entitled to, a bereavement allowance under section 39B of the 1992 Act in respect of the death of a spouse who died on or after 9th April 2001; and

(c) is a single person or a lone parent.”;

(b) in paragraph 12(1)(a)(i), for “disability working allowance” substitute “disabled person’s tax credit”;

(c) in paragraph 14(1)(a), for “£5,000” substitute “£6,000”.

(5) In paragraph 18 of Part IV (applicable amounts: premiums specified in Part III),—

(a) in the column headed “*Amount*”—

(i) in sub-paragraph 1(a), for “£39.10” substitute “£44.20”;

(ii) in sub-paragraph 1(b), for “£57.30” substitute “£65.15”;

(iii) in sub-paragraph 2(a), for “£39.10” substitute “£44.20”;

(iv) in sub-paragraph 2(b), for “£57.30” substitute “£65.15”;

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(a) Paragraph (5) was inserted by S.I. 2000/531 and amended by 2001/739.

(b) Schedule 1 was amended by S.I. 1997/977, 1998/808, 1999/1523, 2000/531 and 2001/739.

- (v) in sub-paragraph 3(a), for “£39.10” substitute “£44.20”;
- (vi) in sub-paragraph 3(b), for “£57.30” substitute “£65.15”;
- (b) after sub-paragraph 3, in the table in paragraph 18 insert the following sub-paragraph in each column—
  - “(3A) Bereavement Premium (3A) £21.55.”;
- (c) in the column headed “*Amount*”—
  - (i) in sub-paragraph 4(a), for “£22.60” substitute “£23.00”;
  - (ii) in sub-paragraph 4(b), for “£32.25” substitute “£32.80”;
  - (iii) in sub-paragraph 5(a), for “£41.55” substitute “£42.25”;
  - (iv) in sub-paragraph 5(b)(i), for “£41.55” substitute “£42.25”;
  - (v) in sub-paragraph 5(b)(ii), for “£83.10” substitute “£84.50”;
  - (vi) in sub-paragraph 6, for “£30.00” substitute “£35.50”;
  - (vii) in sub-paragraph 7, for “£24.40” substitute “£24.80”;
  - (viii) in sub-paragraphs 8(a) and (b), for “£11.05” substitute “£11.25”;
  - (ix) in sub-paragraph 8(c), for “£16.00” substitute “£16.25”.

### Schedule 3

**16.** In Schedule 3 (Sums to be disregarded in the determination of income other than earnings)—

- (a) in paragraph 2 after “incurred” insert “, or to be incurred,”;
- (b) in paragraph 11(a), for sub-paragraph (d) substitute—
  - “(d) any child care expenses reimbursed to the relevant person in respect of his participation in a New Deal option, in the Intensive Activity period specified in regulation 75(1)(a)(iv) of the Jobseeker’s Allowance Regulations or in the Intensive Activity Period for 50 plus;”;
- (c) after paragraph 13, insert—
  - “**13A.** Subject to paragraph 31, £15 of any—
    - (a) widowed mother’s allowance paid pursuant to section 37 of the 1992 Act;
    - (b) widowed parent’s allowance paid pursuant to section 39A of that Act.”;
- (d) at the end of paragraph 24(b), add—
  - “or
  - (e) a primary care trust established under section 16A of the National Health Service Act 1977(c)”;
- (e) in paragraph 31(d), for “and 13” substitute “, 13 and 13A”;
- (f) for paragraph 61(e) substitute—
  - “**61.** Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in—
    - (a) the self-employment route;
    - (b) an employment programme specified in—
      - (i) regulation 75(1)(a)(ii)(bb) of the Jobseeker’s Allowance Regulations (voluntary sector option of the new deal);
      - (ii) regulation 75(1)(a)(ii)(cc) of those Regulations (environment task force option of the new deal) or;

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(a) Paragraph 11 was amended by S.I. 1998/808.  
 (b) Paragraph 24 of Schedule 3 was substituted by S.I. 1999/1523.  
 (c) 1977 c.49, Section 16A was inserted by section 2 of the Health Act 1999 (c.8).  
 (d) Paragraph 31 was amended by S.I. 1997/977.  
 (e) Paragraph 61 was inserted by S.I. 1999/1523.

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

(g) At the end of that Schedule(a), add—

“70. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001(b).”.

#### Schedule 4

17. In Schedule 4 (Capital to be disregarded)—

(a) in paragraph 9 at the end of sub-paragraph (c), omit “or” and at the end of sub-paragraph (d) add—

“(e) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.”;

(b) for paragraph 52(c), substitute—

“52. Any mandatory top-up payment made to a person pursuant to section 2 of the Employment and Training Act 1973 in respect of that person’s participation in—

(a) the self-employment route;

(b) an employment programme specified in—

(i) regulation 75(1)(a)(ii)(bb) of the Jobseeker’s Allowance Regulations (voluntary sector option of the new deal);

(ii) regulation 75(1)(a)(ii)(cc) of those Regulations (environment task force option of the new deal) or;

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

but only for the period of 52 weeks from the date of receipt of the payment.”;

(c) At the end of that Schedule(d), add—

“64. Any training grant payable under the New Deal 50 Plus Employment Credit Scheme pursuant to arrangements made under section 2(1) of the Employment and Training Act 1973 but only for a period of 52 weeks from the date of payment.

65. The amount of a payment, other than a war pension within the meaning of section 25 of the Social Security Act 1989(e), to compensate for the fact that the relevant person, the relevant person’s partner, the relevant person’s deceased spouse or the relevant person’s partner’s deceased spouse—

(a) was a slave labourer or a forced labourer;

(b) had suffered property loss or had suffered personal injury; or

(c) was a parent of a child who had died,

during the Second World War.”.

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(a) Paragraphs 68 and 69 were added by S.I. 2001/739.

(b) S.I. 2001/1167.

(c) Paragraph 52 was inserted by S.I. 1999/1523.

(d) Paragraph 63 was added by S.I. 2001/2384.

(e) 1989 c.24.



Signed by authority of the Secretary of State for Transport, Local Government and the Regions

28th February 2002

*Falconer*  
Minister of State,  
Department for Transport,  
Local Government and the Regions

We consent to the making of the Regulations

6th March 2002

*Tony McNulty*  
*John Heppell*  
Two of the Lords Commissioners  
of Her Majesty's Treasury

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Housing Renewal Grants Regulations 1996 (“the Regulations”) which set out the means test for determining the amount of renovation grant and disabled facilities grant which may be paid by local housing authorities to owner-occupier and tenant applicants under Chapter 1 of Part I of the Housing Grants, Construction and Regeneration Act 1996. The amendments are mainly consequential on changes to the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) upon which the means test is based.

Regulation 4 amends regulation 9 of the Regulations to remove the unintended conflict between regulations 8 and 9 where a child or young person has been fostered.

Regulation 5 increases the amounts specified in regulation 10 of the Regulations so increasing the applicable amount (which partly determines the amount of grant payable).

Regulation 6 increases the multipliers in regulation 12 of the Regulations.

Regulation 7 increases the amount of capital, which a child or young person may have without the amounts determined in accordance with paragraph 2 of Schedule 1 ceasing to apply.

Regulation 8 increases the amount that may be deducted from weekly earnings in respect of payments for childcare.

Regulation 9 amends regulation 19 of the Regulations to provide that a woman on maternity leave should be treated as if she was engaged in remunerative work so enabling relevant childcare charges paid to be deducted from weekly earnings determined in accordance with regulation 18. Any childcare charges incurred in respect of the child to whom the maternity leave relates are not treated as relevant childcare charges.

Regulation 10 amends regulation 31 (notional income) of the Regulations and regulation 11 amends regulation 38 (notional capital) of the Regulations to take account of the programmes known as “Intensive Activity Period for 50 plus” and “the Intensive Activity Period”.

Regulations 12, 13 and 14 make various amendments to regulations concerning students including amendments consequential on the establishment of the Learning and Skills Council and the National Council for Education and Training in Wales

Regulation 15 uprates the applicable amounts and premiums in Schedule 1 to the Regulations and adds a premium payable to certain persons who have ceased to be entitled to a bereavement allowance.

Regulation 16 adds items to the list of sums to be disregarded in the determination of income other than earnings, namely payments relating to discretionary housing payments and £15 of any widowed parent’s or mother’s allowance. Amendments are also made to existing provisions consequential on various changes to new deal schemes and the establishment of National Health Service trusts.

Regulation 17 adds items to the list of sums to be disregarded as capital, namely payments relating to discretionary housing payments, training grant payable under the New Deal 50 Plus Employment Credit Scheme and payments made to compensate persons for loss suffered during the Second World War. Amendments are also made to an existing provision consequential on various changes to new deal schemes.



**2002 No. 530**

**HOUSING, ENGLAND**

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**£2.50**

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E0264 3/02 ON (MFK)