

2005 No. 3323

HOUSING, ENGLAND

**The Housing Renewal Grants (Amendment) (England)
Regulations 2005**

Made - - - - - *29th November 2005*
Laid before Parliament *8th December 2005*
Coming into force - - *31st December 2005*

The First Secretary of State, in exercise of the powers conferred by sections 30 and 146(1) and (2) 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) (England) Regulations 2005 and shall come into force on 31st December 2005.

(2) These Regulations apply to applications for grant which fall to be approved on or after 31st December 2005 by local housing authorities in England.

Interpretation

2. In these Regulations—

“the 1996 Regulations” means the Housing Renewal Grants Regulations 1996(b), and
“the qualifying age for state pension credit” is (in accordance with section 1(2)(b) of the State Pension Credit Act 2002)(c)—

- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man.

Modification of the 1996 Regulations

3.—(1) The 1996 Regulations shall have effect, in relation to any person who has attained the qualifying age for state pension credit, with the modifications set out in this Regulation.

(a) 1996 c. 53. The functions of the Secretary of State under these sections, so far as exercisable in relation to Wales, 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, to which there are amendments not relevant to these Regulations. Section 30 was amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, S.I. 2002/1860, article 11 and Schedule 3.

(b) S.I. 1996/2890. Relevant amending instruments include S.I. 1996/3119, S.I. 1997/977, S.I. 1997/2764, S.I. 1998/808, S.I. 1999/1523, S.I. 1999/2568, S.I. 2000/531, S.I. 2000/910, S.I. 2001/739, S.I. 2001/2384, S.I. 2002/530, S.I. 2002/2469, and S.I. 2003/2504.

(c) 2002 c. 16.

(2) For regulations 14 (applicable amounts) and 15 (polygamous marriages), substitute—

“14. Applicable amounts

(1) The applicable amount of a relevant person who has attained or whose partner has attained the qualifying age for state pension credit shall be the aggregate of such of the following amounts as apply in his case—

- (a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 1A;
- (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 2 of that Schedule;
- (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part 2 of that Schedule (family premium);
- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule.

(2) In Schedule 1A, “additional spouse” means a spouse of either party to a marriage who is additional to the other party to the marriage.”.

(3) After Schedule 1, insert—

“SCHEDULE 1A

Regulation 14

**APPLICABLE AMOUNTS FOR PERSONS WHO HAVE ATTAINED OR
WHOSE PARTNER HAS ATTAINED THE QUALIFYING AGE FOR
STATE PENSION CREDIT**

PART I

Personal Allowances

1. The amount specified in the second column of the table below in respect of each person or couple specified in the first column shall be the amount specified for the purposes of regulation 14(1)(a)—

<i>(1) Person, couple or polygamous marriage</i>	<i>(2) Amount</i>
(1) Single claimant—	(1)
(a) aged under 65;	(a) £109.45;
(b) aged 65 or over.	(b) £125.90.
(2) Couple—	(2)
(a) both members aged under 65;	(a) £167.05;
(b) one member or both members aged 65 or over.	(b) £188.60.
(3) If the claimant is a member of a polygamous marriage and none of the members of the marriage have attained the age of 65—	(3)
(a) for the claimant and the other party to the marriage;	(a) £167.05;
(b) for each additional spouse who is a member of the same household as the claimant.	(b) £57.60.
(4) If the claimant is a member of a polygamous marriage and one or more members of the marriage are aged 65 or over—	(4)
(a) for the claimant and the other party to the marriage;	(a) £188.60;
(b) for each additional spouse who is a member of the same household as the claimant.	(b) £62.70.

2.—(1) The amounts specified in the second column of the table below in respect of a person specified in the first column shall, for the relevant period specified in the first column, be the amounts specified for the purpose of regulation 14(1)(b)—

<i>Child or young person</i>	<i>Amount</i>
In respect of the period—	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£43.88;
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's nineteenth birthday.	£43.88.

(2) In column (1) of the table above, “the first Monday in September” means the Monday which first occurs in the month of September in the relevant year.

PART II

Family Premium

3.—(1) The amount for the purposes of regulation 14(1)(c) and (d) in respect of a family of which at least one member is a child or young person shall be £16.10.

(2) The amount specified in sub-paragraph (1) shall be increased by £10.50 where at least one child is under the age of one year and for the purposes of this sub-paragraph where that child's first birthday does not fall on a Monday he shall be treated as under the age of one year until the first Monday after his first birthday.

PART III

Premiums

4. The amounts specified in Part IV shall be the premiums applicable to relevant persons who satisfy a condition specified in paragraphs 7 to 10 of this Part in respect of a particular premium.

5. Subject to paragraph 6, where a relevant person satisfies a condition in respect of more than one premium in this Part, only one premium shall be applicable to him and if the premiums which would (apart from this provision) be applicable are of different amounts, only the higher or highest of these shall apply.

6. The following premiums, namely—

- (a) a severe disability premium to which paragraph 7 applies,
- (b) an enhanced disability premium to which paragraph 8 applies,
- (c) a disabled child premium to which paragraph 9 applies, and
- (d) a carer premium to which paragraph 10 applies

are applicable in addition to any other premium which may apply under this Schedule.

Severe disability premium

7.—(1) Subject to paragraphs 11 and 12, the condition is that the relevant person is a severely disabled person.

(2) For the purposes of sub-paragraph (1), a relevant person shall be treated as a severely disabled person if, and only if—

- (a) in the case of a single person, a lone parent or a relevant person who is treated as having no partner in consequence of sub-paragraph (3)—
 - (i) he is in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, and
 - (ii) he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and
 - (iii) a carer's allowance under section 70 of the 1992 Act is not in payment to any person in respect of caring for him;
- (b) in the case of a relevant person who has a partner—
 - (i) the relevant person is in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, and
 - (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance, and
 - (iii) he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a carer's allowance is payable to someone in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all of the partners of the marriage; or else such an allowance is not in payment to anyone in respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where a relevant person has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that partner shall be treated for the purposes of sub-paragraph (2) as if he were not a partner of the relevant person.

(4) For the purposes of sub-paragraph (3)—

- (a) a person is blind if he is registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services), and
- (b) a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the condition of being so registered for a period of 28 weeks following the date on which he ceased to be so registered.

(5) For the purposes of sub-paragraphs (2)(a)(ii) and (2)(b)(ii), no account shall be taken of—

- (a) a person receiving attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt; or
- (b) a person who is blind or is treated as blind within the meaning of sub-paragraph (4).

Enhanced disability premium

8. The condition is that the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the 1992 Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the 1992 Act in respect of a child or young person who is a member of the relevant person's family.

Disabled child premium

9.—(1) Subject to paragraphs 11 and 12, the condition is that a child or young person for whom the relevant person or a partner of his is responsible and who is a member of the relevant person's household—

- (a) is in receipt of disability living allowance or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind or treated as blind within the meaning of paragraph 7(4); or
- (c) is a child or young person in respect of whom section 145A of the 1992 Act applies for the purposes of entitlement to child benefit, but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the relevant person's applicable amount immediately before the death of that child.

(2) In paragraph (1), "patient" means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-patients) Regulations 1975.

Carer premium

10.—(1) Subject to paragraphs 11 and 12, the condition is that the relevant person or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the 1992 Act.

(2) Where a carer premium has been awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance,

this paragraph shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

- (a) the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the death occurred on a Sunday);
- (b) where head (a) above does not apply, the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.

(4) For the purpose of this paragraph, a person shall be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which payment is made in lieu of an award.

Persons in receipt of concessionary payments

11. For the purposes of determining whether a premium is applicable to a person under paragraphs 7 to 10, any concessionary payment made to compensate that person for non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit

12. For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

PART IV

Amounts of Premiums specified in Part III

<i>Premium</i>	<i>Amount</i>
13—(1) Severe disability premium—	(1)
(a) where the relevant person satisfies the condition in paragraph 7(2)(a);	(a) £45.50;
(b) where the relevant person satisfies the condition in paragraph 7(2)(b)—	(b)
(i) in a case where there is someone in receipt of a carer’s allowance or if he or any partner satisfies that condition only by virtue of paragraph 7(4);	(i) £45.50;
(ii) in a case where there is no-one in receipt of such an allowance.	(ii) £91.00.
(2) Enhanced disability premium.	(2) £17.71 in respect of each child or young person in respect of whom the conditions specified in paragraph 8 are satisfied.
(3) Disabled child premium.	(3) £43.89 in respect of each child or young person in respect of whom the condition specified in paragraph 9 is satisfied.
(4) Carer premium.	(4) £25.80 in respect of each person who satisfies the condition specified in paragraph 10.

”

Amendment of the 1996 Regulations

4. The 1996 Regulations are amended in accordance with the following provisions of these Regulations.

Regulation 2

5. In regulation 2 (interpretation), in paragraph (1)(a)—

- (a) in the definition of “close relative”, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” substitute “or, if any of the preceding persons is one member of a couple, the other member of that couple”;
- (b) after the definition of “council tax benefit”, insert the following definition—
 - ““couple” means—
 - (a) a man and woman who are married to each other and are members of the same household;
 - (b) a man and woman who are not married to each other but are living together as husband and wife;
 - (c) two people of the same sex who are civil partners of each other and are members of the same household;
 - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.”;
- (c) in the definition of “dwelling”, for “qualifying park home” substitute “caravan”;
- (d) in the definition of “family”, omit “married or unmarried” in each place in which the words occur, and in paragraph (b) for “them” substitute “the couple”;
- (e) omit the definition of “married couple”;

(a) Paragraph (1) was last amended by S.I. 2003/2504; other relevant amending instruments are S.I. 2002/2469, S.I. 2001/739, S.I. 2000/531, S.I. 1999/1523, and S.I. 1998/808.

- (f) omit the definition of “member of a couple”;
- (g) in the definition of “partner”—
 - (i) before “means” insert “, except in regulation 38(4),”;
 - (ii) in paragraph (a), omit the words “married or unmarried”; and
- (h) omit the definition of “unmarried couple”.

Regulation 5

6. For regulation 5 (definition of relevant person), substitute—

“5. Definition of relevant person

(1) Subject to paragraph (2), in respect of any application for a grant a relevant person is any person who—

- (a) is the disabled occupant, or one of the disabled occupants, of the dwelling or the flat in the building and is not a child or young person;
- (b) is the partner, or a partner, of the disabled occupant or of one of the disabled occupants and is not a child or young person; and

is not the parent or guardian of a disabled child or young person who lives or intends to live in the dwelling or, as the case may be, a flat in the building.

(2) Where any of the sub-paragraphs of paragraph (1) applies to both members of a couple or to more than one member of a polygamous marriage, one member only of that couple or of that polygamous marriage will be the relevant person in respect of that application.”.

Regulation 10

7. In regulation 10 (the applicable amount)(a)—

- (a) in paragraph (1)(b)—
 - (i) for “£53.79” substitute “£56.40”, and
 - (ii) for “£69.92” substitute “£73.32”;
- (b) in paragraph 2(aa)(ii) omit “married or unmarried” and “(within the meaning of the State Pension Credit Act 2002)”.

Regulation 12

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

- (a) in paragraph (1)—
 - (i) in sub-paragraph (a), for “19.97” substitute “19.37”;
 - (ii) in sub-paragraph (b), for “39.94” substitute “38.73”;
 - (iii) in sub-paragraph (c), for “159.76” substitute “154.93”;
 - (iv) in sub-paragraph (d), for “399.41” substitute “387.33”;
- (b) in paragraph (2)—
 - (i) in sub-paragraph (a), for “11.27” substitute “11.21”;
 - (ii) in sub-paragraph (b), for “22.53” substitute “22.41”;
 - (iii) in sub-paragraph (c), for “90.13” substitute “89.66”;
 - (iv) in sub-paragraph (d), for “225.32” substitute “224.15”.

Regulation 14

9. In regulation 14 (applicable amounts), in paragraph (b) omit from “, except” to the end of that paragraph.

(a) Regulation 10 is amended by S.I. 1998/808, S.I. 2000/910, and S.I. 2003/2504 (by which these amounts were last amended).

(b) Regulation 12 is modified, for the purposes of section 134 of the Housing Grants, Construction and Regeneration Act 1996, by S.I. 1997/2764; and amended by S.I. 1997/977, S.I. 2002/530, and S.I. 2003/2504 (by which these amounts were last amended).

Regulation 15

10. In regulation 15 (polygamous marriages), in paragraph (c) omit from “, except” to the end of that paragraph.

Regulation 17

11. In regulation 17 (determination of income and capital of relevant person’s family and of a polygamous marriage)—

- (a) in paragraph (1), omit—
 - (i) the words “and, subject to paragraph (2) and to regulation 32 (modifications in respect of children and young persons), the income of a child or young person”; and
 - (ii) the words “or that child or young person” at the end;
- (b) omit paragraph (2);
- (c) in paragraph (3), for sub-paragraphs (a) and (b) substitute—
 - “(a) the relevant person shall be treated as possessing income and capital belonging to each such member; and
 - (b) the income and capital of that member shall be calculated in accordance with the following provisions of this Chapter and Chapters V to IX in like manner as for the relevant person.”;
- (d) after paragraph (3), add—
 - “(4) The income and capital of a child or young person shall not be treated as the income and capital of the relevant person.”.

Regulation 18

12. In regulation 18 (determination of income on a weekly basis), in paragraph (1A)(a)—

- (i) in sub-paragraph (a), for “£94.50” substitute “£175”; and
- (ii) in sub-paragraph (b), for “£140” substitute “£300”.

Regulation 19

13. In regulation 19 (treatment of childcare charges)—

- (a) in paragraph (1)—
 - (i) for “has incurred” substituted “incurs”;
 - (ii) for sub-paragraph (c), substitute—
 - “(c) is a member of a couple where one member is engaged in remunerative work and the other—
 - (i) is incapacitated;
 - (ii) is an in-patient in hospital; or
 - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).”;
- (b) after paragraph (1), insert—
 - “(1A) For the purposes of paragraph (1) and subject to paragraph (1C), a person to whom paragraph (1B) applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
 - (a) is paid statutory sick pay;
 - (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the 1992 Act;
 - (c) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987; or
 - (d) is credited with earnings on the grounds of incapacity for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(a) Paragraph (1A) was inserted by S.I. 1998/808, and the amounts in that paragraph were substituted in relation to England by S.I. 2002/530.

(1B) This paragraph applies to a person who was in remunerative work immediately before—

(a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit or income support on the grounds of incapacity for work; or

(b) the first day of the period in respect of which earnings are credited, as the case may be.

(1C) In a case to which paragraph 1A(c) or (d) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.”;

(c) in paragraph (6)—

(i) at the end of sub-paragraph (a), omit “or”; and

(ii) after sub-paragraph (b), add—

“; or

(c) in respect of care provided by a relative of a child wholly or mainly in the child’s home.”;

(d) in paragraph (7)—

(i) omit sub-paragraphs (a), (c) and (d);

(ii) at the end add—

“(f) by persons registered under Part XA of the Children Act 1989;

(g) in schools or establishments which are exempted from registration under Part XA of the Children Act 1989 by virtue of paragraph 1 or 2 of Schedule 9A to that Act; or

(h) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002.”;

(e) in paragraph (9), in sub-paragraph (b) for “incurred” substitute “is incurring”, and omit “in that week”;

(f) in paragraph (9A)—

(i) in sub-paragraph (b), before “tax credit” insert “child care element of working”; and

(ii) in sub-paragraph (c), before “tax credit” in the first place in which it occurs, insert “child care element of working”;

(g) in paragraph (9B), omit sub-paragraph (b).

Regulation 25

14. In regulation 25 (determination of net earnings of employed earners), in paragraph (3)(d) after “statutory maternity pay” insert “, statutory paternity pay or statutory adoption pay,”.

Regulation 29

15. In regulation 29 (determination of income other than earnings), in paragraph (1)(a), omit “or 32 (modifications in respect of children and young persons)”.

Regulations 32 and 34

16. Omit regulations 32 (modifications in respect of children and young persons) and 34 (disregard of capital of child or young person).

Regulation 41

17. In regulation 41 (interpretation: students), in the definition of “contribution”, after the word “spouse” insert “or civil partner”.

(a) Paragraph 1 was amended by S.I. 1998/808.

Regulation 43

18. In regulation 43 (determination of grant income), in paragraph (3)(a)—
- (a) in sub-paragraph (a), for “£270” substitute “£275”; and
 - (b) in sub-paragraph (b), for “£340” substitute “£343”.

Schedule 1

19.—(1) Schedule 1 (applicable amounts)(b) is amended as follows.

- (2) In Part I (personal allowances), in paragraph 1 in the column headed “(2) *Amount*”—
- (a) in sub-paragraph (1)(a), for “£43.25” substitute “£44.50”;
 - (b) in sub-paragraph (1)(b), for “£54.65” substitute “£56.20”;
 - (c) in sub-paragraph (2)(a), for “£43.25” substitute “£44.50”;
 - (d) in sub-paragraph (2)(b), for “£54.65” substitute “£56.20”;
 - (e) in sub-paragraph (3)(a), for “£65.30” substitute “£67.15”; and
 - (f) in sub-paragraph (3)(b), for “£85.75” substitute “£88.15”.

(3) In paragraph 2, in the column headed “(2) *Amount*”, in sub-paragraphs (a) and (b) for “£38.50” substitute “£43.88”(c).

(4) In paragraph 3 in Part II (family premium), in sub-paragraph (1) for “£15.75” substitute “£16.10”(d).

(5) In paragraph 18 in Part IV (amounts of premiums specified in Part III)(e), in the column headed “*Amount*”—

- (a) in each of sub-paragraphs (1)(a), (2)(a) and (3)(a), for “£47.45” substitute “£53.25”;
- (b) in each of sub-paragraphs (1)(b), (2)(b) and (3)(b), for “£70.05” substitute “£78.90”;
- (c) in sub-paragraph (3A), for “£22.80” substitute “£25.85”;
- (d) in sub-paragraph (4)(a), for “£23.30” substitute “£23.95”;
- (e) in sub-paragraph (4)(b), for “£33.25” substitute “£34.20”;
- (f) in sub-paragraph (5)(a), for “£42.95” substitute “£45.50”;
- (g) in sub-paragraph (5)(b)(i), for “£42.95” substitute “£45.50”;
- (h) in sub-paragraph (5)(b)(ii), for “£85.90” substitute “£91.00”;
- (i) in sub-paragraph (6), for “£41.30” substitute “£43.89”;
- (j) in sub-paragraph (7), for “£25.10” substitute “£25.80”;
- (k) in sub-paragraph (8)(a), for “£16.60” substitute “£17.71”;
- (l) in sub-paragraph (8)(b), for “£11.40” substitute “£11.70”; and
- (m) in sub-paragraph (8)(c), for “£16.45” substitute “£16.90”.

Schedule 2

20.—(1) Schedule 2 (sums to be disregarded in the determination of earnings)(f) is amended as follows.

(2) In paragraphs 3, 5, 6 and 8, for “£15” in each place in which it occurs, substitute “£20”.

(3) In paragraph 9, for “£15” in each place in which it occurs, substitute “£20”.

(a) Paragraph 3 was substituted in relation to England by S.I. 2000/530, and these amounts were last amended by S.I. 2003/2504.

(b) Relevant amending instruments include S.I. 1997/977, S.I. 1998/808, S.I. 1999/1523, S.I. 2000/531, S.I. 2001/739, S.I. 2002/530, and S.I. 2003/2504.

(c) These amounts were last amended by S.I. 2003/2504.

(d) This amount was last amended by S.I. 2003/2504.

(e) These amounts were last amended by S.I. 2003/2504.

(f) Relevant amending instruments include S.I. 1998/808, S.I. 1999/2568, and S.I. 2003/2504.

(4) In paragraph 12, in sub-paragraph (b), omit “married or unmarried”, and “(within the meaning of the State Pension Credit Act 2002)”.

(5) In paragraph 15, omit “except earnings to which paragraph 16 applies”.

(6) Omit paragraph 16.

(7) In paragraph 18(a)—

(a) in sub-paragraph (1), for the words “a sum equal to the 30 hour element of the Working Tax Credit referred to in regulation 20(1)(c) of the Working Tax Credit Regulations” substitute “£14.50”;

(b) for sub-paragraph (2), substitute—

“(2) The conditions are that—

(a) the relevant person, or if he is a member of a couple, either the relevant person or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies;

(b) the relevant person is, or if he is a member of a couple at least one member of that couple is, aged 25 and is engaged in remunerative work for on average not less than 30 hours per week;

(c) the relevant person is a member of a couple and—

(i) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and

(ii) his applicable amount includes a family premium under paragraph 3 of Schedule 1;

(d) the relevant person is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week;

(e) the relevant person is engaged in remunerative work for on average not less than 16 hours per week, or is a member of a couple of which at least one member is so engaged, and—

(i) the relevant person’s applicable amount includes a disability premium under paragraph 11 of Schedule 1; or

(ii) where he is a member of such a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium referred to in paragraph (i) above; or

(f) the relevant person is, or if he is a member of a couple at least one member of that couple is, a person to whom regulation 18(3) of the Working Tax Credit Regulations (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.”;

(c) for sub-paragraph (3)(c), substitute—

“(c) £14.50.”.

Schedule 3

21.—(1) Schedule 3 (sums to be disregarded in the determination of income other than earnings) is amended as follows.

(2) In paragraph 4, in sub-paragraph (b) omit “married or unmarried” and “(within the meaning of the State Pension Credit Act 2002)”.

(3) In paragraph 13, at the end of sub-paragraph (b) add “or surviving civil partner’s pension”.

(4) In paragraph 22(2), omit sub-paragraph (a) and in sub-paragraph (b), omit “to whom that regulation does not apply”.

(5) In paragraph 54—

(a) before “paragraph 18” insert “sub-paragraph (1) of”;

(b) for the words from “entitled” to “2002”, substitute “a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph”.

(a) Paragraph 18 was substituted, in relation to England, by S.I. 2003/2504.

(6) At the end add—

“72. Any payment ordered by a court to be made to the relevant person or the relevant person’s partner in consequence of any accident, injury, or disease suffered by the person or a child of the person to or in respect of whom the payments are made.”.

Schedule 4

22.—(1) Schedule 4 (capital to be disregarded) is amended as follows.

(2) In paragraph 6, in sub-paragraph (b) omit “married or unmarried” and “(within the meaning of the State Pension Credit Act 2002)”.

(3) In paragraph 22, omit “32(5)” and “modifications in respect of children and young persons,”.

(4) In paragraph 46, for the words “by the High Court under the provisions of Order 80 of the Rules of the Supreme Court 1985, the county court under Order 10 of the County Court Rules 1981”, substitute “by the High Court or the County Court under rule 21.11(1) of the Civil Procedure Rules 1998”.

(5) At the end add—

“66.—(1) The amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the relevant person arising in consequence of—

- (a) an injury suffered by that person in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital; or
- (b) the death of a partner or close relative of the relevant person in, or as a result of, those attacks.

(2) In sub-paragraph (1), “the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.”.

Signed by authority of the First Secretary of State

24th November 2005

Kay Andrews
Parliamentary Under Secretary of State
Office of the Deputy Prime Minister

We consent,

29th November 2005

Vernon Coaker
Tom Watson
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 (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. A change is made to the scope of the means test by *regulation 6*, substituting a new definition of “relevant person” in regulation 5 of the 1996 Regulations. This has the effect that the means test no longer applies where an application for grant is made by the parent or guardian of a disabled child or young person.

Other amendments made by these Regulations are mostly consequential on changes to the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), upon which the means test in the 1996 Regulations is based. The main changes of this nature are as follows—

Regulation 3 provides for the 1996 Regulations to have effect subject to modifications similar to some of those made for housing benefit by the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (S.I. 2003/325), where the 1996 Regulations apply in relation to relevant persons who have attained, or whose partners have attained, the qualifying age for state pension credit.

Regulation 7 increases the amounts specified in regulation 10 of the 1996 Regulations, thus increasing the “applicable amount” for the purpose of determining the amount of grant payable.

Regulation 8 updates the loan generation factors for the purposes of regulation 12 of the 1996 Regulations, which determines the amount of reduction of grant in cases where the financial resources of the applicant or applicants for grant exceed the “applicable amount”.

Regulation 11 introduces, into regulation 17 of the 1996 Regulations, a disregard in respect of the income and capital of a child or young person, and *regulations 15 and 16* make amendments consequential upon this.

Regulation 12 increases the maximum deduction which may be made, in cases meeting certain conditions, in respect of average weekly relevant child care charges for the purpose of determination of income on a weekly basis under regulation 18 of the 1996 Regulations.

Regulation 18 increases amounts specified in regulation 43 of the 1996 Regulations as sums to be excluded from a student’s grant income where the student does not have a student loan.

Regulation 19 updates applicable amounts and premiums in Schedule 1 to the 1996 Regulations.

Regulation 20 amends Schedule 2 to the 1996 Regulations to reflect changes made by the Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2634). Paragraph 18 of Schedule 2 provides for the amount which is to be disregarded from earnings under that Schedule to be increased where certain conditions are satisfied as to the minimum number of hours each week in which the claimant or any partner is engaged in remunerative work. The minimum number of hours is reduced from 30 to 16, where the claimant is a lone parent, or where the claimant and partner are responsible for one or more children, or where the person engaged in the remunerative work is over the age of 50 or satisfies the condition for a disability premium.

Regulation 21 makes amendments to Schedule 3 to the 1996 Regulations consequential upon the amendments made to the body of those Regulations.

Regulation 22 amends Schedule 4 to the 1996 Regulations in particular to update the references to rules of Court and to add a provision disregarding, from the calculation of capital, certain amounts received by victims of the London bombings on 7th July 2005.

A minor consequential amendment which does not derive from the housing benefit legislation is made by paragraph (c) of *regulation 5*. This amends regulation 2 of the 1996 Regulations to substitute, for the reference to “qualifying park home”, a reference to “caravan” within the meaning given to that term by section 224 of the Housing Act 2004 (c. 34), which amended the Housing Grants, Construction and Regeneration Act 1996. Other paragraphs of regulation 5 amend the interpretation of the 1996 Regulations to reflect the introduction of civil partnerships in the Civil Partnership Act 2004 (c. 33).

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Regulations 2005**

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