

---

STATUTORY INSTRUMENTS

---

**1996 No. 2890**

**The Housing Renewal Grants Regulations 1996**

**PART II**

**MEANS TEST FOR OWNER-OCCUPIER'S AND TENANT'S APPLICATIONS**

*CHAPTER I: GENERAL*

**Circumstances in which a person is to be treated as being or not being a member of the household**

**9.—(1)** Subject to paragraphs (2) to (4), a relevant person and any partner and, where the relevant person or his partner is treated as responsible by virtue of regulation 8 for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily living away from the other members of his family.

(2) Paragraph (1) shall not apply to a person who is living away from the other members of his family where—

- (a) that person does not intend to resume living with the other members of his family; or
- (b) his absence from the other members of his family is likely to exceed 52 weeks, unless there are exceptional circumstances (for example where the person is in hospital or otherwise has no control over the length of his absence) and the absence is unlikely to be substantially more than 52 weeks.

(3) A child or young person shall not be treated as a member of the relevant person's household where he is—

- (a) placed with the relevant person or his partner by a local authority under section 23(2)(a) of the Children Act 1989(1) or by a voluntary organisation under section 59(1)(a) of that Act; or
- (b) placed with the relevant person or his partner prior to adoption; or
- (c) placed for adoption with the relevant person or his partner pursuant to a decision under the Adoption Agencies Regulations 1983(2) or the Adoption Agencies (Scotland) Regulations 1984(3).

(4) Subject to paragraph (5), paragraph (1) shall not apply to a child or young person who is not living with the relevant person and who—

- (a) is being looked after by a local authority under relevant enactment; or
- (b) has been placed with a person other than the relevant person prior to adoption; or

---

(1) 1989 c. 41; section 23 was amended by the Courts and Legal Services Act 1990 (c. 41), section 116 and Schedule 16.  
(2) S.I. 1983/1964.  
(3) S.I. 1984/988.

(c) has been placed for adoption pursuant to a decision under the Adoption Agencies Regulations 1983 or the Adoption Agencies (Scotland) Regulations 1984.

(5) A child or young person to whom paragraph (4)(a) applies shall be treated as being a member of the relevant person's household in any period of 7 consecutive days commencing upon a Monday and ending on a Sunday where—

- (a) that child or young person lives with the relevant person for part or all of that period, and
- (b) it is reasonable to do so taking into account the nature and frequency of that child's or young person's visits.

(6) In this regulation "relevant enactment" means the Army Act 1955(4), the Air Force Act 1955(5), the Naval Discipline Act 1957(6), the Adoption Act 1958(7), the Matrimonial Proceedings (Children) Act 1958(8), the Social Work (Scotland) Act 1968(9), the Family Law Reform Act 1969(10), the Children and Young Persons Act 1969(11), the Matrimonial Causes Act 1973(12), the Guardianship Act 1973(13), the Children Act 1975(14), the Domestic Proceedings and Magistrates' Courts Act 1978(15), the Adoption (Scotland) Act 1978(16), the Child Care Act 1980(17), the Family Law Act 1986(18) and the Children Act 1989(19).

---

(4) 1955 c. 18.  
(5) 1955 c. 19.  
(6) 1957 c. 53.  
(7) 1958 c. 5.  
(8) 1958 c. 40.  
(9) 1968 c. 49.  
(10) 1969 c. 46.  
(11) 1969 c. 54.  
(12) 1973 c. 18.  
(13) 1973 c. 29.  
(14) 1975 c. 72.  
(15) 1978 c. 22.  
(16) 1978 c. 28.  
(17) 1980 c. 5.  
(18) 1986 c. 55.  
(19) 1989 c. 41.